

INTRODUCTION

- [1] This decision determines an application filed with the Residential Tenancy Office ("Rental Office") under the *Residential Tenancy Act* ("Act").
- [2] The Landlord seeks to end the tenancy because the Tenant has allegedly disturbed and endangered others.

DISPOSITION

- [3] I find that the eviction notice is invalid and the tenancy will continue.

BACKGROUND

- [4] The Unit is a one-bedroom, one-bathroom apartment in a 22-unit building ("Residential Property").
- [5] In April 2016 the Tenant and the former landlord entered into a tenancy agreement. The Tenant paid a \$620.00 security deposit.
- [6] The Landlord took over management of the Residential Property.
- [7] On September 28, 2021 the parties signed a written, fixed-term tenancy agreement, which converted to a monthly basis. Rent in the amount of \$749.17 is due on the first day of the month.
- [8] On July 16, 2025 the Landlord's representative ("Representative") served the Tenant with a *Form 4(A) Eviction Notice* with a vacate date of August 31, 2025 for disturbing and/or endangering others ("Notice").
- [9] On July 25, 2025 the Tenant filed a *Form 2(A) Tenant Application to Determine Dispute* ("Application") with the Rental Office disputing the Notice.
- [10] On August 6, 2025 the Rental Office emailed the parties notice of a teleconference hearing scheduled for August 28, 2025 along with a copy of the Application.
- [11] On August 21, 2025 the Rental Office sent the parties a 45-page and 2-video-recording evidence package.
- [12] On August 28, 2025 the Tenant and the Representative participated in a teleconference hearing. I reviewed the evidence package with the parties and there did not appear to be any missing evidence that had been previously submitted to the Rental Office.

ISSUE

- A. Must the Tenant vacate the Unit due to the Notice?

ANALYSIS

Legal Basis

- [13] The Landlord has the onus to prove, on the civil standard of the balance of probabilities, a valid reason to end the tenancy contained in the Notice.
- [14] In this case the only reason contained in the Notice is related to an incident that occurred on July 12, 2025 where the Tenant allegedly disturbed and/or endangered another tenant in the Residential Property.

- [15] In Order LR24-64 the Island Regulatory and Appeals Commission made the following comment regarding a landlord ending a tenancy (paragraph 21):

"The termination of a tenancy is a serious matter and accordingly a Landlord seeking to evict a tenant must put forward compelling evidence..."

- [16] The Landlord seeks to end the tenancy under clause 61(1)(d) of the Act, which states:

A landlord may end a tenancy by giving a notice of termination where one or more of the following applies:

- (d) *the tenant or a person permitted on the residential property by the tenant has*
 - (i) *significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,*
 - (ii) *seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or*
 - (iii) *put the landlord's property at significant risk.*

- [17] For the reasons below, I find that the Notice is invalid.

Determination

- [18] The event that led the Representative to serve the Tenant with the Notice was an oral argument between the Tenant and a neighbouring tenant that happened on July 12, 2025.
- [19] The Representative was unable to provide direct evidence regarding the July 12 incident. However, the Landlord submitted into evidence the complaint letter from the neighbouring tenant and two video-recordings.
- [20] The complaint letter describes the Tenant's behaviour as threatening and directing insults towards the neighbouring tenant.
- [21] The two video-recordings appear to have been recorded by the neighbouring tenant moments after the initial interaction between the Tenant and the neighbouring tenant.
- [22] I find that the Landlord has provided insufficient evidence to establish that the Tenant disturbed and/or endangered another tenant in the Residential Property, which would justify terminating the tenancy.
- [23] Particularly, I find that the Landlord did not provide direct and/or compelling evidence to establish that the Tenant threatened and/or disturbed another tenant that justifies the termination of the tenancy. The neighbouring tenant did not provide witness testimony under affirmation at the hearing.
- [24] Further, the two video-recordings submitted into evidence do not establish, on their own, that the Tenant threatened and/or endangered another tenant.
- [25] The Tenant provided direct evidence regarding the event on July 12, 2025.
- [26] The Tenant stated that he does not normally speak to the neighbouring tenant. The Tenant stated that this was the first and only argument the parties had. The Tenant stated that there was no physical violence or threat. The Tenant stated that the RCMP did not press any criminal charges when they arrived at the Residential Property.

- [27] The Tenant stated that he called the neighbouring tenant some insulting names, however, the neighbouring tenant also called him insulting names. The Tenant stated that he commonly uses such language.
- [28] The Tenant stated that he is seeking professional assistance regarding anger management and apologized at the hearing for calling the neighbouring tenant such names.
- [29] After reviewing the evidence, I find that there is insufficient evidence to justify terminating the tenancy due to the July 12 event. Therefore, the Notice is invalid and the Application is allowed.
- [30] **I remind the Tenant that any further incidents with the neighbouring tenant, including insults and/or name calling may result in the Landlord serving another eviction notice and the termination of the tenancy. Such behaviour is not acceptable and only escalates tensions and negative interactions between parties.**

IT IS THEREFORE ORDERED THAT

1. The Notice is invalid and the tenancy will continue.

DATED at Charlottetown, Prince Edward Island, this 2nd day of September, 2025.

(sgd.) Cody Burke

Cody Burke
Residential Tenancy Officer

NOTICE**Right to Appeal**

This Order can be appealed to the Island Regulatory and Appeals Commission (the "Commission") by serving a Notice of Appeal with the Commission and every party to this Order within **20 days of this Order**. If a document is sent electronically after 5:00 p.m., it is considered received the next day that is not a holiday. If a document is sent by mail, it is considered served on the third day after mailing.

Filing with the Court

If no appeal has been made within the noted timelines, this Order can be filed with the Supreme Court of Prince Edward Island and enforced as if it were an order of the Court.