

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 allowed others onto the property who have disturbed others and engaged in illegal activity.
- [3] The Tenant disputed the reasons contained in the eviction notice.

DISPOSITION

- [4] I find that the Tenant and all occupants must vacate the Unit by the timeline ordered below because of the eviction notice.

BACKGROUND

- [5] The Unit is a two-bedroom, one-bathroom apartment in an 8-unit building ("Residential Property").
- [6] On August 1, 2020, the parties entered into a written, monthly tenancy agreement for the Unit. Rent in the amount of \$455.00 is due on the first day of the month. No security deposit was required.
- [7] On August 19, 2025, the Landlord's witness ("TC") served the Tenant a *Form 4(A) Eviction Notice* effective September 30, 2025 ("Notice") for allowing others into the Residential Property and the Unit who have disturbed others and engaged in illegal activities.
- [8] On August 26, 2025, the Tenant's representative ("FB") filed a *Form 2(A) Tenant Application to Determine Dispute* ("Application") with the Rental Office disputing the Notice.
- [9] On August 29, 2025, the Rental Office provided the parties notice of a teleconference hearing scheduled for September 16, 2025, along with a copy of the Application.
- [10] On September 10, 2025, the Rental Office emailed the parties a TitanFile link to a 26-page and 23-video-recording evidence package.
- [11] On September 16, 2025, the Tenant, FB, the Landlord's representative ("Representative") and TC joined the teleconference hearing for determination of the Application. The parties confirmed that they received the evidence package and confirmed that all evidence submitted to the Rental Office was included.

ISSUE

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

ANALYSIS

Legal Basis

- [12] 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.
- [13] In this case there are two reasons contained in the Notice. The Landlord seeks to end the tenancy under clauses 61(1)(d) and (e) of the Act, which state:

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;*
- (e) *the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that*
 - (i) *has caused or is likely to cause damage to the landlord's property,*
 - (ii) *has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or*
 - (iii) *has jeopardized or is likely to jeopardize a lawful right or interest of the landlord or another occupant.*

- [14] 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..."

- [15] For the reasons below, I find that the Landlord has provided sufficient evidence to establish the reasons in the Notice. The Notice is valid and the tenancy will end because the Tenant permitted individuals on the Residential Property who have unreasonably disturbed, seriously jeopardized the safety of others and has engaged in illegal activity.

Summary of the Evidence

- [16] The Landlord submitted into evidence a written submission from the Representative, a written submission signed by six other tenants in the Residential Property, and a police report listing a number of police visits to the Unit and the Residential Property. The Landlord also submitted 23-video-recordings. The video-recordings are from three security cameras in the Residential Property.
- [17] The first security camera is located in the right corner of the side-entry into the Residential Property ("D1"). There are 8-videos from this camera.
- [18] The second security camera is located at the end of a long hallway in the ground-level of the Residential Property ("D2"). There are 10-videos from this camera.
- [19] The third security camera is located in the left corner of the side-entry into the Residential Property ("D3"). There are 5-videos from this camera.

- [20] The Representative stated that the Unit is located on the ground-level and is visible from D2 as the first door on the right with a doormat.
- [21] The Representative stated that she received numerous complaints from other tenants in the Residential Property regarding ongoing foot-traffic and noise.
- [22] The Representative stated that the Tenant has allowed unknown individuals into the Unit who have then been seen dealing drugs in the side-entry of the Residential Property.
- [23] The Representative stated that on the evening of August 19, 2025, an individual who was at the Unit sprayed a fire extinguisher into the side-entry of the Residential Property. The police were called and the individual was arrested. The Representative stated that the Residential Property had to be evacuated.
- [24] The Representative stated that the video-recordings from D1, D2 and D3 show these individuals coming and going from the Unit. The Representative stated that she has had many conversations with the Tenant about these complaints.
- [25] In response to the Tenant's evidence, the Representative stated that the Residential Property's main doors have never been secured. There have been internal conversations about securing the Residential Property, however, some of the other tenants in the Residential Property opposed the idea.
- [26] TC stated that he is the Residential Property's maintenance person.
- [27] TC stated that he gets a lot of complaints from other tenants about foot traffic, noise and stolen property.
- [28] TC stated that he witnessed numerous people coming and going from the Unit. TC stated that the individual who sprayed the fire extinguisher has gone into the Unit. When approached about coming and going in early morning hours, the individual has replied with profanities.
- [29] The Tenant stated that she has people that regularly come to the Unit to drop off groceries and supplies. The Tenant stated that she has mobility issues and does not leave the Unit very often.
- [30] The Tenant stated that she does not know about the stolen property or drug issues at the Residential Property. The Tenant stated that she knows some of the individuals shown on the video-recordings because of an old acquaintance.
- [31] The Tenant stated that the August 19, 2025 incident was not her fault. The Tenant stated that the individual was at the Unit for 10 to 15 minutes, to see a mutual friend. The Tenant stated that the individual suffers from Post-Traumatic Stress Disorder (PTSD) and had a psychotic episode.
- [32] The Tenant stated that despite the August 19, 2025 incident, her guests do not disturb others in the Residential Property.
- [33] The Tenant stated that it is the Landlord's responsibility to secure the Residential Property. The Tenant cited section 27 of the *Act*. The Tenant stated that if the Landlord had secured the Residential Property then unauthorized individuals would not be able to access the Residential Property.

Determination

- [34] I find that the Landlord has provided sufficient evidence to establish the reasons contained in the Notice. The Notice is valid and the tenancy will end by the timeline below.

Disturbing, seriously jeopardizing the safety of others and engagement of illegal activity

- [35] The reasons contained on the Notice is that the Tenant has allowed others into the Unit and the Residential Property that have caused an unreasonable disturbance, seriously jeopardized the safety of others in the Residential Property and engaged in illegal activity on the Residential Property.
- [36] The Landlord's evidence relies upon video-recordings from the Residential Property's security cameras and TC's witness testimony.
- [37] The Tenant disputes the reasons contained in the Notice and argued that despite the Landlord's evidence, she is not responsible for other people's actions on the Residential Property.
- [38] The Landlord's evidence establishes that there are valid reasons for ending the tenancy. Particularly, I find that the video-recordings submitted into evidence establish that individuals, specifically, an unidentified male wearing a white shirt and white and grey baseball hat is in the side-entry exchanging pills and small bag of white powder with another unidentified male wearing a backwards hat and holding a bicycle. These exchanges can be found in the D1 video-recordings.
- [39] In the D2 video-recordings, the unidentified male wearing a white shirt and white and grey baseball hat is seen knocking on the Unit's door and entering.
- [40] In the D3 video-recordings, the August 19, 2025 incident is recorded.
- [41] Despite the Tenant's evidence that she is not responsible or a participant of what is happening in the video-recordings, I am satisfied on the evidence that these individuals are permitted into the Unit by the Tenant or the Tenant's representative who also lives in the Unit.
- [42] The Tenant may not be held criminally responsible for the actions of others in these circumstances, however, the *Act* does hold the Tenant responsible for the actions of an individual permitted into the Unit or the Residential Property by the Tenant. I am satisfied by the evidence that the Tenant has permitted these individuals into the Unit.
- [43] Similarly, I find that the individuals involved in the August 19, 2025 incident were also permitted into the Unit and the Residential Property by the Tenant.
- [44] The presence of these individuals who were permitted into the Unit and the Residential Property by the Tenant have unreasonably disturbed, seriously jeopardized the safety of other tenants and have engaged in illegal activity.
- [45] For these reasons, I find that the Notice is valid and the Application is denied.

Security devices

- [46] I do not accept the lack of a security device on the exterior of the Residential Property as a valid defence for the Tenant to set aside the Notice. I note that section 27 of the *Act* states:

A landlord shall ensure that devices necessary to make the residential property reasonably secure from unauthorized entry are installed in the rental unit, including on any door giving access to the exterior of the residential property.

- [47] The Representative's answer to why such security devices were not installed after numerous complaints was unsatisfactory. A practical solution to unauthorized and unwanted guests in the Residential Property would be to secure all exterior access points.
- [48] The Act requires such security to rental units and exteriors of the Residential Property. In these circumstances, it would have been expected that the Landlord take this necessary step to mitigate unauthorized access.
- [49] The Landlord would also benefit from having easier access to direct evidence in determining who is providing others with access to the Residential Property, whether a copy of a key being made or physically opening the door being caught on the security footage.
- [50] The Landlord must ensure that all exterior doors to the Residential Property are secured from unauthorized entry.

CONCLUSION

- [51] The Notice is valid and the Application is denied.
- [52] The tenancy agreement between the parties will end by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy agreement between the parties will terminate effective **5:00 p.m. on September 30, 2025.**
2. The Tenant and all occupants will vacate the Unit by this time and date.
3. A certified copy of this Order may be filed with the Supreme Court and enforced by Sheriff Services as permitted by the Act.

DATED at Charlottetown, Prince Edward Island, this 23rd 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 **7 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.