

INTRODUCTION

- [1] This decision determines an application filed by the Landlord with the Residential Tenancy Office (the “Rental Office”) under the *Residential Tenancy Act* (the “Act”).
- [2] The Landlord seeks an Order for vacant possession of the Unit and the Sheriff to put the Landlord in possession.

DISPOSITION

- [3] The parties settled the Application and agreed that the tenancy between the parties will terminate by the timeline below.

BACKGROUND

- [4] The Unit is a one-bedroom, one-bathroom unit in a three-unit building (the “Residential Property”).
- [5] In November 2022, the parties entered into an oral tenancy agreement. The Tenant paid an \$800.00 security deposit. On December 4, 2023 the parties signed a written, monthly tenancy agreement. Rent in the amount of \$800.00 is due on the first day of the month.
- [6] On August 9, 2025 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of September 10, 2025 (the “Notice”) for non-payment of rent, repeatedly late paying the rent and for having an unreasonable number of occupants in the Unit. The particulars of termination stated:

“August rent not paid. Estimated 5 people living in apartment. Extra vehicles on property and road side. At least 3 beds in apartment.”

- [7] On August 19, 2025 the Tenant filed a *Form 2(A) Tenant Application to Determine Dispute* with the Rental Office to dispute the Notice.
- [8] On August 20, 2025 the Rental Office emailed the Tenant requesting a copy of the Notice and proof that the application was served to the Landlord within five days of filing the application.
- [9] On August 21, 2025 the Rental Office emailed the Tenant requesting the information disclosed in the prior August 20, 2025 email.
- [10] On September 2, 2025 the Rental Office emailed the Tenant again, requesting confirmation that the application was served to the Landlord. The Tenant stated that he did not serve the application to the Landlord. The Rental Office emailed the Tenant stating that the application was incomplete and was not accepted.
- [11] On October 3, 2025 the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* (the “Application”) with the Rental Office seeking vacant possession of the Unit and for the Sheriff to put the Landlord in possession and requested to dispose of the Tenant’s abandoned personal property. The Landlord amended the Application removing the request to dispose of the Tenant’s abandoned personal property.
- [12] On October 7, 2025 the Rental Office emailed the parties notice of a teleconference hearing scheduled for October 21, 2025, along with a copy of the Application.
- [13] On October 17, 2025 the Rental Office emailed the parties a 44-page evidence package.

- [14] On October 21, 2025 the Landlord and the Tenant joined the teleconference hearing for determination of the Application. The parties confirmed that they received the evidence package. The Tenant confirmed that all evidence submitted to the Rental Office was included. However, the Landlord stated that the evidence he submitted to the Rental Office was not included in the evidence package. The Landlord forwarded his evidence to the Tenant and it was included in the evidentiary record.

ISSUE

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

SETTLEMENT

- [15] At the teleconference hearing, the parties settled the Application the following terms:
- a. The tenancy between the parties will terminate effective 5:00 p.m. on October 31, 2025. The Tenant and all occupants must vacate the Unit by this time and date.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective 5:00 p.m. on October 31, 2025.
2. The Tenant and all occupants must vacate the Unit by this time and date.
3. A certified copy of this Order may be filed in the Supreme Court and enforced by Sheriff Services as permitted by the *Act*.

DATED at Charlottetown, Prince Edward Island, this 22nd day of October, 2025.

(sgd.) Cody Burke

Cody Burke
Residential Tenancy Officer

NOTICE

Right to Appeal

The parties may seek to appeal this Order 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.