

INTRODUCTION

- [1] This decision determines an application filed by the Landlord with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act*, cap. R-13.11 (the "Act").
- [2] The Landlord seeks a monetary Order against the Tenants for rent owing, in the total amount of \$4,797.00.

DISPOSITION

- [3] The Tenants must pay the Landlord \$4,144.00 by the timeline below.

BACKGROUND

- [4] The Unit is a two-bedroom, one-bathroom rental in 22-unit converted motel.
- [5] On October 8, 2025 the parties signed a written, fixed-term tenancy agreement for the period of October 15, 2025 to September 30, 2026. Rent in the amount of \$1,350.00 is due on the first day of the month. A \$1,350.00 security deposit was required.
- [6] On October 9, 2025 the Tenants only paid \$90.00 of the security deposit.
- [7] On October 23, 2025 the Landlord served the Tenants with a *Form 4(A) Eviction Notice* effective November 12, 2025 for non-payment of rent (the "Notice").
- [8] On November 14, 2025 the Landlord's representative (the "Representative") 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, which is determined in Order LD26-008. The Landlord also seeks an Order for rent owing, which is determined in this decision. The Application was served to the Tenants.
- [9] On December 4, 2025 the Rental Office emailed the parties notice of a teleconference hearing scheduled for January 8, 2026.
- [10] On December 19, 2025 the Rental Office emailed the parties a 23-page PDF evidence package.
- [11] On January 8, 2026 the Representative joined the teleconference hearing. The Tenants did not join the teleconference hearing. I telephoned the Tenants and received no response. After ten minutes the hearing proceeded in the Tenants' absence. The Representative confirmed that all evidence submitted to the Rental Office was included in the evidence package. The Tenants did not submit any evidence to the Rental Office.

ISSUE

- A. Do the Tenants owe rent to the Landlord?

ANALYSIS

- [12] The Landlord's undisputed evidence establishes that the Tenants owe the Landlord rent.
- [13] In Order LD26-008, the tenancy is terminated effective January 16, 2026 at 5:00 p.m. The Tenants must pay the Landlord the outstanding rent calculated as follows:

Rent owed	Amount
Pro-rated October 2025 rent (16 days)	\$697.00
NSF Fee for October 2025	\$25.00
November 2025 rent	\$1,350.00
NSF Fee for November 2025	\$25.00
December 2025 rent	\$1,350.00
Pro-rated January 2026 rent (16 days)	\$697.00
Total	\$4,144.00

- [14] I note that the Landlord's calculations included the outstanding security deposit balance (\$1,260.00). I will not include the unpaid security deposit balance in these calculations because the tenancy agreement is terminated in Order LD26-008.
- [15] With regard to the \$90.00 security deposit held by the Landlord, subsection 40(2) authorizes a landlord to retain from a security deposit an amount that the Director (or Commission, as the case may be) has ordered the tenant to pay to the landlord and that remains unpaid at the end of the tenancy. In the event the outstanding rent remains unpaid by the Tenants by January 19, 2026, the Landlord may, at their option, retain the security deposit to offset the amount of rent owing by the Tenants (see also Commission Order LR25-56).
- [16] The Application is allowed in part.

IT IS THEREFORE ORDERED THAT

1. The Tenants must pay the Landlord \$4,144.00 by February 17, 2026.

DATED at Charlottetown, Prince Edward Island, this 9th day of January, 2026.

(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.