

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 rent owing from the Tenants in the amount of \$6,672.56.

DISPOSITION

- [3] The Landlord has established a claim for rent owing in the amount of \$6,672.56.

BACKGROUND

- [4] The Unit is an apartment in a multi-unit building.
- [5] On September 1, 2022, the parties entered into a one-year written fixed-term tenancy agreement for the Unit. On July 19, 2025, the parties entered into a fixed-term tenancy agreement from September 1, 2025, to August 31, 2026. Rent of \$2,396.78 is due on the first day of the month. A security deposit of \$2,175.00 was paid on March 7, 2022.
- [6] On September 17, 2025, the Landlord served the Tenants with a *Form 4(A) Eviction Notice* with a vacate date of October 7, 2025 ("Notice") for non-payment of \$1,079.49 in rent.
- [7] On November 25, 2025, the Landlord filed an amended *Form 2(B) Landlord Application to Determine Dispute* (the "Application") with the Rental Office seeking rent owing and to keep the security deposit.
- [8] Subsection 40(2) of the Act authorizes a landlord to retain from a security deposit an amount that the Director has ordered the tenant to pay to the landlord and that remains unpaid at the end of the tenancy. In the event the amount of outstanding rent remains unpaid by the Tenants at the end of the tenancy, the Landlord may, at their option, retain the security deposit to offset the amount of rent owing by the Tenants.
- [9] The Application also seeks earlier termination of the tenancy agreement, vacant possession of the Unit and for the Sheriff to put the Landlord in possession, which is determined in Order LD26-014.
- [10] On December 2, 2025, the Rental Office sent the parties notice of a teleconference hearing scheduled for January 6, 2026.
- [11] On December 16, 2025, the Rental Office sent the parties a 50-page PDF evidence package.
- [12] On January 6, 2026, the Landlord's representative (the "Representative"), a Tenant ("T1"), and the Tenant's witness participated in a teleconference hearing. I called the other Tenant ("T2"); however, there was no answer. I waited ten minutes, and the hearing proceeded in T2's absence.
- [13] The parties confirmed receipt of the evidence package and that all evidence submitted to the Rental Office was included.
- [14] After the hearing, the Landlord submitted additional evidence, which was shared with the parties.

ISSUE

- A. Do the Tenants owe the Landlord rent?

ANALYSIS AND CONCLUSION

- [15] The Representative stated that the tenancy agreement was signed with T1 and T2 (the "Tenants") and the Tenant's witness. Each tenant paid 1/3 of the rent directly to the Landlord each month.
- [16] The Representative stated that the Tenant's witness does not owe the Landlord any outstanding rent. The Landlord and the Tenant's witness ended his tenancy for the Unit on December 31, 2025, and the Tenant's witness has entered into a new tenancy agreement with the Landlord for a different rental unit. Only the Tenants remain living in the Unit and owe the Landlord rent.
- [17] In Order LD26-014, the tenancy agreement is terminated effective January 31, 2026.
- [18] The Landlord established that the Tenants owe rent up to January 31, 2026, of \$6,672.56, which must be paid by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Tenants must pay the Landlord the amount of \$6,672.56 by February 27, 2026.

DATED at Charlottetown, Prince Edward Island, this 12th day of January, 2026.

(sgd.) Mitch King

Mitch King
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.