

## INTRODUCTION

- [1] This decision determines an application that the Landlord filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act*, cap. R-13.11 (the "Act").
- [2] The Landlord seeks an order requiring the Tenant and all occupants to vacate the Unit for non-payment of rent.

## DISPOSITION

- [3] The Tenant and all occupants must vacate the Unit for non-payment of rent by the timeline below.

## BACKGROUND

- [4] The Unit is located in a 22-unit building (the "Residential Property").
- [5] On May 23, 2025 the parties entered into a monthly tenancy agreement. Rent in the amount of \$1,095.00 is due on the first day of the month. A \$1,095.00 security deposit was paid at the beginning of the tenancy.
- [6] On January 9, 2026 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of January 29, 2026 (the "Notice") for non-payment of rent, in the amount of \$2,265.00. The Notice was emailed to the Tenant.
- [7] On January 30, 2026 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. The Application also seeks rent owing; however, the Landlord withdrew the rent owing claim at the hearing. The Landlord emailed the Application to the Tenant.
- [8] On March 24, 2026 the Rental Office mailed and emailed the parties notice of a teleconference hearing scheduled for April 7, 2026.
- [9] On April 2, 2026 the Rental Office provided the parties with a 15-page PDF evidence package.
- [10] On April 7, 2026 the Landlord's representative (the "Representative") participated in the teleconference hearing. The Tenant did not participate in the teleconference hearing. I telephoned the Tenant and did not receive a response. After ten-minutes the hearing proceeded in the Tenant's absence. The Representative confirmed all evidence submitted to the Rental Office was included in the evidence package.

## ISSUE

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

## ANALYSIS & FINDINGS

- [11] The Landlord's reason for terminating the tenancy is under subsection 60(1) of the *Act*, which states:

*A landlord may end a tenancy if rent is unpaid after the day it is due, by giving a notice of termination effective on a date that is not earlier than 20 days after the date the tenant receives the notice.*

- [12] The Tenant was responsible for paying January 2026 rent to the Landlord and the earlier outstanding rental arrears by January 1, 2026. The evidence establishes that the rent was not paid on time and \$2,265.00 was owing as of January 9, 2026, the date the Notice was served to the Tenant.
- [13] The rent owing was not paid within ten days of the Notice being served. Therefore, the Notice was not invalidated under clause 60(4)(a) of the *Act*, which states:
- Within 10 days after receiving a notice of termination under this section, the tenant may (a) pay the overdue rent, in which case the notice of termination has no effect.*
- [14] The Representative stated that the Tenant paid \$1,100.00 on March 12, 2026 and \$3,000.00 on April 1, 2026. The Representative stated that the \$3,000.00 has not yet cleared, however, as of the hearing date, the Tenant does not have any outstanding rent owing.
- [15] Despite the Tenant's payments, the evidence establishes that the Tenant did not file an application with the Rental Office on time to dispute the Notice.
- [16] Further, I find that the evidence does not establish that the Tenant's payments waived the Notice, reinstated the tenancy or created a new tenancy under section 74 of the *Act*.
- [17] For these reasons, I find that the Notice is valid and the Application is allowed.
- [18] The Tenant and all occupants must vacate the Unit by the timeline below.

**IT IS THEREFORE ORDERED THAT**

1. The tenancy between the parties will terminate effective **5:00 p.m. on April 15, 2026.**
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 8th day of April, 2026.

(sgd.) Cody Burke

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**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.