

INTRODUCTION

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

DISPOSITION

- [3] I find that the Notice is valid and the Tenant and all occupants must vacate the Unit and return the Unit's keys to the Landlord.

BACKGROUND

- [4] The Unit is a three-bedroom, one-bathroom single family home owned by the Landlord.
- [5] The Landlord, the Tenant and another tenant entered into a first written, fixed-term tenancy agreement from March 1, 2023 to February 28, 2025. At the end of the fixed-term the tenancy continued on a monthly basis. A security deposit of \$1,890.00 was paid on around mid-February of 2023. Rent in the amount of \$1,890.00 was due on the first day of the month.
- [6] The Landlord and solely the Tenant entered into a second written, fixed-term tenancy agreement from November 1, 2025 to February 28, 2026. At the end of the fixed-term the tenancy continued on a monthly basis. The security deposit from the first tenancy agreement continued to be the security deposit for the second agreement. Rent in the amount of \$1,933.00 is due on the first day of the month.
- [7] On April 10, 2026 the Landlord emailed the Tenant a *Form 4(A) Eviction Notice* with an effective date of April 30, 2026 (the "Notice") for non-payment of rent in the amount of \$3,866.00 and repeatedly late rent payments. The email was sent after 5:00 p.m. and therefore the Notice is considered served on April 11, 2026 under subsection 100(5) of the *Act*.
- [8] On April 11, 2026 the Landlord's representative (the "Representative") taped a copy of the Notice to the Unit's door.
- [9] On May 1, 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, which is determined in this decision. The Application also seeks rent owing, which is determined in Order LD26-164.
- [10] On May 6, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for May 20, 2026.
- [11] On May 13, 2026 the Rental Office sent the parties a 113-page PDF and three-video recording evidence package through TitanFile.
- [12] On May 20, 2026 the Representative and the Tenant joined the tele-hearing. The parties confirmed that all documents submitted to the Rental Office were included in the evidence package.

ISSUE

- A. Must the Tenant and all occupants vacate the Unit and return the Unit's keys?

ANALYSIS**Notice Vacate Date**

- [13] The Landlord served the Notice on April 11, 2026 under subsection 60(1) of the *Act* and provided a vacate date of April 30, 2026. This subsection 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.

- [14] The earliest vacate date is May 1, 2026 because of the minimum twenty-day notice period. The vacate date is automatically corrected by operation of law under section 54 of the *Act*.

Determination

- [15] The Landlord's first reason for terminating the tenancy in the Notice is for non-payment of rent.
- [16] At the hearing the Tenant stated that he is not disputing the eviction and he is already in the process of moving property out of the Unit. The Tenant stated that he was no longer sleeping in the Unit as of April 30, 2026. The Tenant hopes to remove the property at the Unit by the night of Sunday, May 24, 2026. The Tenant continues to possess the Unit's keys as he completes the move out.
- [17] The Tenant's evidence raises issues with the Unit's condition and services. The Tenant stated that he has not filed an application with the Rental Office regarding the Unit.
- [18] The Representative and the Tenant stated that rent has not been paid for March, April and May of 2026.
- [19] I find that the Tenant is deemed to have accepted the Notice under subsection 60(5), which states:
- Where a tenant who has received a notice of termination under this section does not pay the rent or make an application to the Director in accordance with subsection (4), the tenant*
(a) is deemed to have accepted that the tenancy ends on the effective date of the notice of termination; and
(b) shall vacate the rental unit by that date
- [20] I find that the Tenant continues to have the means of access to the Unit by keeping the Unit's keys. I find that the Tenant continues to have possession of the Unit. Based upon the evidence presented, it is not certain that the Tenant will have removed all of the property from the Unit by May 24, 2026.
- [21] In these circumstances, I extend the Notice's termination date to May 27, 2026 under clause 85(1)(n) of the *Act* to coincide with the appeal period of this decision.
- [22] I find that the Application is valid and the Tenant must fully vacate the Unit and return the Unit's keys to the Landlord by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on May 27, 2026**.
2. The Tenant and all occupants must fully vacate the Unit and return the Unit's keys to the Landlord 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 20th day of May, 2026.

(sgd.) Andrew Cudmore

Andrew Cudmore
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.