

INTRODUCTION

- [1] This decision addresses two applications filed by the Tenant and the Landlord with the Residential Tenancy Office (the "Rental Office") pursuant to the *Residential Tenancy Act*, cap. R-13.11 (the "Act").
- [2] The Landlord served an eviction notice to the Tenant for non-payment of rent under subsection 60(1) of the *Act*.
- [3] The Tenant disputed the eviction notice under clause 60(4)(b).
- [4] The Landlord is seeking vacant possession of the Unit.

BACKGROUND

- [5] The Unit is a two-bedroom, one-bathroom apartment in a five-unit building owned by the Landlord.
- [6] In November 2022 the Tenant took over assignment of the Unit. Rent in the amount of \$1,433.00 is due on the first day of the month. The Tenant paid the former tenant a \$1,000.00 security deposit. The Landlord holds a \$1,000.00 security deposit from the former tenant.
- [7] On April 7, 2026, the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with a vacate date of "7th 2026" (the "Notice") for non-payment of rent, in the amount of \$4,299.00.
- [8] The earliest effective date was April 27, 2026, which is automatically changed under section 54 of the *Act*.
- [9] On April 17, 2026, the Tenant e-mailed the Landlord and the Rental Office a *Form 2(A) Tenant Application to Determine Dispute* (the "Tenant Application") disputing the Notice.
- [10] On May 20, 2026, after 4:00 p.m. the Landlord e-mailed the Tenant and the Rental Office a *Form 2(B) Landlord Application to Determine Dispute* (the "Landlord Application") seeking vacant possession of the Unit. The Landlord Application is also seeking a monetary order for rent owing, which is determined in Order LD26-197. The Landlord Application was considered filed on May 21, 2026.
- [11] On May 28, 2026, the Rental Office e-mailed the parties notice of a tele-hearing scheduled for June 16, 2026.
- [12] On June 10, 2026, the Rental Office e-mailed the parties a 9-page PDF evidence package.
- [13] On June 16, 2026, the Tenant and the Landlord participated in the tele-hearing. The parties did not submit any documentary evidence outside of proof of service, the Tenant Application, the Landlord Application and the Notice.

DISPOSITION

- [14] The Notice is valid, the Tenant Application is denied and the Landlord Application is allowed.
- [15] The Tenant must vacate the Unit, in accordance with the timeline below.

ISSUE

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

ANALYSIS & FINDINGS

- [16] In eviction disputes, the Landlord has the onus to prove that there is a valid reason to end the tenancy on the civil standard of a balance of probabilities.
- [17] The Landlord's reason for terminating the tenancy in the Notice is under subsection 60(1), 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.*
- [18] The Tenant owed the Landlord rent for February 2026, March 2026 and April 2026 when the Landlord served the Notice on April 7, 2026.
- [19] The Tenant filed the Tenant Application disputing the Notice under clause 60(4)(b). However, the Tenant admitted to owing the Landlord rent, stating that beginning in February 2026 he suffered financial hardship due to loss of income and losing a roommate.
- [20] The Tenant stated that he is in the process of vacating the Unit and needs time to continue removing and storing his personal belongings.
- [21] The parties agreed that the John Howard Society paid February 2026's rent to the Landlord, on behalf of the Tenant, in early May of 2026.
- [22] The Landlord stated that the Tenant owes rent for March 2026, April 2026, May 2026 and June 2026.
- [23] I find that the evidence establishes that the Tenant owes the Landlord rent.
- [24] The Notice is valid and the Tenant must vacate the Unit by the timeline below.
- [25] The Tenant Application is denied and the Landlord Application is allowed.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on June 24, 2026**.
2. The Tenant 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 17th day of June, 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 **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.