

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 Landlords seek an Order for rent owing and costs.
- [3] The Tenants provided evidence regarding the Unit’s condition and requested compensation.

DISPOSITION

- [4] The Tenants must pay the Landlords rent owing in the amount of \$4,950.00 by the timeline below. The Landlords’ claim for costs is denied.
- [5] The Tenants’ compensation claim regarding the Unit’s condition cannot be determined in this Order. The Tenants may decide to file an application with the Rental Office for compensation.

BACKGROUND

- [6] The Unit is a three-bedroom apartment located in a six-unit building.
- [7] The Landlords and the Tenants entered into a written, fixed-term tenancy agreement from February 1, 2026 to July 31, 2026. A security deposit of \$1,650.00 was paid on January 29, 2026. Although the tenancy agreement states that the monthly rent is \$1,675.00, the parties agree that rent in the amount of \$1,650.00 is due on the first day of the month.
- [8] On April 20, 2026 the Landlords emailed the Tenants a first *Form 4(A) Eviction Notice* with an effective date of May 10, 2026 for non-payment of rent in the amount of \$1,675.00.
- [9] On May 11, 2026 the Landlords filed a *Form 2(B) Landlord Application to Determine Dispute* (the “Application”) with the Rental Office seeking rent owing and costs, which is determined in this decision. The Application also seeks vacant possession of the Unit and for the Sheriff to put the Landlords in possession, which are determined in Order LD26-198.
- [10] On June 1, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for June 18, 2026.
- [11] On June 2, 2026 the Landlords emailed the Tenants a second *Form 4(A) Eviction Notice* with an effective date of June 22, 2026 for non-payment of rent in the amount of \$5,025.00.
- [12] On June 10, 2026 the Rental Office issued to the parties an 89-page PDF and two-video recording evidence package through TitanFile. An additional copy of the PDF was emailed to the Tenants.
- [13] On June 18, 2026 the Landlords’ three representatives and three of the Tenants, representing the Tenants, joined the tele-hearing. The parties confirmed that all documents and evidence previously submitted to the Rental Office were included in the evidence package. An additional copy of the Tenants’ videos was emailed to the Landlords during the hearing.

ISSUES

- A. Must the Tenants pay rent and costs to the Landlords?
- B. Can I determine the Tenants’ request for compensation in this decision?

ANALYSIS**A. Must the Tenants pay rent and costs to the Landlords?**

[14] The parties agree that the Tenants made the following rent payments to the Landlords:

- \$1,650.00 on February 5, 2026; and
- \$1,650.00 on March 7, 2026.

[15] The Tenants have not paid rent for the months of April, May and June, 2026, which totals \$4,950.00.

[16] The Tenants argued that there was an oral agreement that the Tenants would not be responsible for April 2026 rent. However, based upon the parties' evidence, I find that this agreement for the Landlords to waive April 2026 rent required the Tenants to also vacate the Unit by April 15, 2026. The Tenants continue to live in the Unit and therefore this condition to vacate the Unit was not met. I find that the Landlords have not waived April 2026 rent.

[17] I find that the Tenants must pay the Landlords rent owing in the amount of \$4,950.00 by the timeline below.

[18] The Application refers to filing costs and a \$250.00 administrative fee. At the tele-hearing the Landlords stated that they did not pay filing costs and the Landlords withdrew their request for a \$250.00 administrative fee.

[19] The Landlords seek \$800.00 in costs to prepare for and attend the tele-hearing.

[20] I have authority to award costs to a successful party under clause 85(1)(q) of the *Act*.

[21] In Order LR24-43 the Island Regulatory and Appeals Commission stated that the authority to award costs is discretionary and should only be exercised in exceptional circumstances.

[22] I find that the facts of this case do not provide exceptional circumstances supporting an award for costs. The Landlords' application for rent owing and delivery of possession is a relatively common and straight forward matter. As a result, the Landlords' claim for costs is denied.

B. Can I determine the Tenants' request for compensation in this decision?

[23] The Tenants provided evidence regarding the Unit's condition and the Tenants requested compensation at the tele-hearing.

[24] On May 15, 2026 the Tenants filed a *Form 2(A) Tenant Application to Determine Dispute* to dispute an eviction notice and request repairs. On May 21, 2026 the Rental Office emailed the Tenants informing that this application was not accepted.

[25] The Tenants' application did not select line (k) regarding compensation from the Landlords. The Tenants stated that they did not file and serve any other Rental Office applications regarding this matter.

[26] As a result, I cannot determine the Tenants' compensation claim in this Order regarding the Unit's condition.

[27] The Tenants may decide to file an application with the Rental Office for compensation from the Landlords.

[28] The Tenants may contact an Intake Officer at the Rental Office or visit the Rental Office's website for further information regarding this process.

IT IS THEREFORE ORDERED THAT

1. The Tenants must pay the Landlords rent owing in the amount of \$4,950.00 by July 20, 2026.

DATED at Charlottetown, Prince Edward Island, this 19th day of June, 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 **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.