

INTRODUCTION

- [1] This decision addresses an application filed by 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 seeks vacant possession of the Unit.

BACKGROUND

- [3] The Unit is a two-bedroom, one-bathroom apartment in a 24-unit building (the "Residential Property") owned by the Landlord.
- [4] The Tenant previously occupied the Unit with a former tenant.
- [5] On February 1, 2026, the Tenant was approved to occupy the Unit under his own tenancy. However, the Tenant did not provide the necessary documents requested by the Landlord, and did not sign the tenancy agreement. Rent is \$1,339.17 due on the first day of the month. A \$1,339.17 security deposit was required but not paid.
- [6] On March 11, 2026, the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with a vacate date of March 31, 2026 for non-payment of rent, in the amount of \$2,678.34 and failure to comply with a material term of the tenancy agreement (the "Notice").
- [7] On May 22, 2026, the Landlord e-mailed the Tenant and the Rental Office a *Form 2(B) Landlord Application to Determine Dispute* (the "Application") seeking vacant possession of the Unit, which is determined in this decision. The Application also seeks a monetary order for rent owing, which is determined in Order LD26-201.
- [8] On June 1, 2026, the Rental Office e-mailed the parties notice of a tele-hearing scheduled for June 18, 2026.
- [9] On June 10, 2026, the Rental Office e-mailed the parties a 17-page PDF evidence package.
- [10] On June 18, 2026, the Landlord's representative (the "Representative") participated in the tele-hearing. The Tenant did not join the tele-hearing at the scheduled time. I telephoned and e-mailed the Tenant but received no response. The hearing proceeded ten minutes after the scheduled time in the Tenant's absence.

DISPOSITION

- [11] The Notice is valid, and the Tenant and all occupants must vacate the Unit by the timeline below.

ISSUE

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

ANALYSIS & FINDINGS

- [12] The Landlord's first reason for terminating the tenancy in the Notice is for non-payment of rent 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.

- [13] The Representative stated that the Tenant has not paid rent for February 2026, March 2026, April 2026, May 2026 or June 2026. The Tenant also did not pay the security deposit.
- [14] I find that the undisputed evidence establishes that the Tenant owed \$2,678.34 on March 11, 2026, the date the Notice was served for February 2026 and March 2026 rent.
- [15] The outstanding rent was not paid within ten days of the Notice being served and the Tenant did not file an application disputing the Notice with the Rental Office.
- [16] I find that the evidence does not establish that the Notice was waived, the tenancy was reinstated or a new tenancy was created under section 74.
- [17] As a result, I find that the Tenant is deemed to have accepted the Notice under subsection 60(5) and the tenancy ends by operation of law.
- [18] The Notice is valid and the Application is allowed.
- [19] 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 June 29, 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 22nd 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.