

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 served an eviction notice alleging that the Tenant and the Tenant’s occupant were engaging in behaviour disturbing others and illegal activity. The Tenant filed an application disputing the eviction notice.

DISPOSITION

- [3] I find that the eviction notice is valid and the Tenant’s application is denied.
- [4] The Tenant and all occupants must vacate the Unit and return the Unit’s keys to the Landlord by the timeline below.

BACKGROUND

- [5] The Unit is a two-bedroom, one-bathroom apartment that is approximately 1,000 square feet in size. The Unit is located in a three-level, twelve-unit building that the Landlord has owned for over one year and the Landlord owns other buildings nearby (the “Residential Property”).
- [6] The Tenant lived in the Unit before the Landlord purchased the Residential Property.
- [7] The Landlord and the Tenant entered into a written, fixed-term tenancy agreement from January 1, 2026 to February 28, 2027. Rent in the amount of \$975.00 is due on the first day of the month and the Landlord does not have a record regarding a security deposit.
- [8] On May 8, 2026 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with a vacate date of May 31, 2026 for behaviour disturbing others and illegal activity (the “Notice”). The correct vacate date was June 30, 2026 to comply with the minimum timeline under subsection 61(3) of the *Act*. The vacate date is automatically corrected under section 54.
- [9] On May 14, 2026 the Tenant filed a *Form 2(A) Tenant Application to Determine Dispute* disputing the Notice (the “Application”).
- [10] On June 2, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for July 2, 2026.
- [11] On June 18, 2026 the Rental Office emailed the parties a thirteen-page PDF evidence package.
- [12] On July 2, 2026 the Landlord’s legal counsel and the Landlord’s two witnesses joined the tele-hearing. I telephoned the Tenant but I received no response. I emailed the Tenant requesting that they immediately join the hearing if they wanted to participate. The hearing proceeded in the Tenant’s absence about ten minutes after the scheduled time.
- [13] The Landlord confirmed that they received the evidence package and confirmed that everything previously submitted to the Rental Office was included. The Landlord provided additional evidence during the hearing.
- [14] After the hearing ended, the Tenant emailed the Rental Office and the Landlord stating that they had missed the hearing because they overslept. The Tenant also stated that they had made arrangements to move out of the Unit in the next couple days.

ISSUE

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

ANALYSIS

- [15] The Landlord has the onus to prove, on the civil standard of the balance of probabilities, a valid reason to end the tenancy contained in the Notice.
- [16] In the Notice, the Landlord seeks to end the tenancy under clauses 61(1)(d) and (e) of the Act, which state:

A landlord may end a tenancy by giving a notice of termination where one or more of the following applies:

(d) the tenant or a person permitted on the residential property by the tenant has
(i) significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
(ii) seriously jeopardized the health or safety or a lawful right or interest of the landlord or another occupant, or
(iii) put the landlord's property at significant risk;

(e) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that
(i) has caused or is likely to cause damage to the landlord's property,
(ii) has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property, or
(iii) has jeopardized or is likely to jeopardize a lawful right or interest of the landlord or another occupant;

- [17] In Order LR26-16 the Island Regulatory and Appeals Commission made the following comments regarding a landlord ending a tenancy:

"49. The Commission approaches the termination of a tenancy as a serious matter, given the significant impact an eviction has on a tenant's housing security. As noted in prior decisions, a landlord seeking to end a tenancy must provide clear, cogent, and compelling evidence to justify termination.

50. Therefore, the burden rests on the Landlord to establish, on a balance of probabilities, that one or more of the grounds for termination under section 61(1) of the Act have been met. This requires demonstrating that it is more likely than not that the alleged conduct occurred and that it meets the statutory threshold for eviction."

- [18] The Landlord provided police and court records supported by witness testimony which establishes that an occupant of the Tenant engaged in significantly interfering and unreasonably disturbing behaviour related to unlawful drug activity in the Unit, breaching clause 61(1)(d).
- [19] As a result, I find that the Notice is valid and the Application is denied.
- [20] I find that the Tenant and all occupants must vacate the Unit and return the Unit's keys to the Landlord by the timeline below.
- [21] It is unnecessary for me to consider the Landlord's second reason in the Notice for ending the tenancy.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on July 9, 2026**.
2. The Tenant and all occupants must 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 2nd day of July, 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.