

INTRODUCTION

- [1] This decision addresses 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.

DISPOSITION

- [3] The Tenant and all occupants must vacate the Unit by the timeline below for non-payment of rent.

BACKGROUND

- [4] The Unit is a house owned by the Landlord.
- [5] The parties entered into a written fixed-term tenancy agreement for the period of June 1, 2025, to June 1, 2026. The tenancy then continued on a monthly basis. Rent is \$1,800.00 per month, due on the first of the month. A security deposit of \$1,500.00 was paid on May 5, 2025.
- [6] On April 2, 2026, the Landlord served the Tenant with a *Form 4(A) Eviction Notice*, effective April 22, 2026 (the “Notice”), for failure to pay rent in the amount of \$2,200.00. The Notice was served by email.
- [7] On June 1, 2026, the Landlord filed a *Form 2(B) Landlord Application to Determine Dispute* (the “Application”) seeking vacant possession of the Unit. The Landlord served the Application by email.
- [8] The Landlord is also seeking rent owing, which is determined in **Order LD26-217**.
- [9] On June 10, 2026, the Rental Office emailed the parties notice of a tele-hearing scheduled for July 2, 2026.
- [10] On June 19, 2026, the Rental Office emailed the parties a 15-page PDF evidence package.
- [11] On July 2, 2026, the Landlord and the Tenant called into the tele-hearing. The parties confirmed receipt of the evidence package, and the Landlord stated that all evidence she submitted was included. The Tenant submitted no evidence.

ISSUE

- A. Must the Tenant and all occupants vacate the Unit?**

EVIDENCE

- [12] The onus is on the Landlord, as the party asserting her claims against the Tenant, to provide clear evidence to establish those claims on a balance of probabilities.
- [13] The Landlord's reason for terminating the tenancy in the Notice is 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.

- [14] The Landlord stated the Tenant owes the Landlord \$4,600.00 in outstanding rent for April 2026 (\$1,500.00), May 2026 (\$1,300.00), and June 2026 (\$1,800.00). Additionally, no rent for July 2026 had been paid as of the hearing date.
- [15] The Tenant agreed with the Landlord's evidence and that she owed \$4,600.00 in rent and that no rent had been paid for July 2026. The Tenant stated that she was planning on vacating the Unit within the next week.

ANALYSIS & FINDINGS

- [16] Based on the parties' testimony and documentary evidence, I find that the Landlord has established that the Tenant's overdue rent, as set out in the Notice, was not paid in full within 10 days of the Tenant's receipt of the Notice. Additionally, the Tenant did not file an application disputing the Notice.
- [17] Therefore, the Notice was not invalidated or disputed under clauses 60(4)(a) or (b) of the Act, which state:

Within 10 days after receiving a notice of termination under this section, the tenant may
(a) pay the overdue rent, in which case the notice of termination has no effect; or
(b) dispute the notice of termination by making an application to the Director under section 75.

- [18] 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 of the Act.
- [19] The Application is allowed. 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 July 10, 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 3rd day of July, 2026.

(sgd.) Mitch King

Mitch King
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.