

INTRODUCTION

- [1] This decision addresses an application filed by the Landlord with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act*, cap. R-13.11 (the "Act").
- [2] The Landlord seeks vacant possession of the Unit.

BACKGROUND

- [3] On October 6, 2025 the parties entered into a written, fixed-term tenancy agreement. Rent in the amount of \$1,800.00 is due on the first day of the month. A \$1,800.00 security deposit was paid at the beginning of the tenancy.
- [4] On May 20, 2026 the Landlord's representative (the "Representative") served the Tenants with a *Form 4(A) Eviction Notice* effective June 10, 2026 for non-payment of rent, in the amount of \$5,000.00 and repeatedly late paying rent (the "Notice"). The Notice was posted to the Unit's front door and e-mailed to one of the Tenants.
- [5] On May 27, 2026 the Landlord e-mailed one of the Tenants and the Rental Office a *Form 2(B) Landlord Application to Determine Dispute* seeking vacant possession of the Unit, which is determined in this decision. The Landlord is also seeking a monetary order for rent owing, which is determined in Order LD26-225.
- [6] On June 18, 2026 the Landlord posted to the Unit's front door an amended *Form 2(B) Landlord Application to Determine Dispute* (the "Application"). The Application named the Tenants as respondents.
- [7] On June 18, 2026 the Rental Office registered mailed and e-mailed the parties notice of a tele-hearing scheduled for July 7, 2026. The Representative also posted the notice of hearing to the Unit's front door.
- [8] On June 23, 2026 the Rental Office e-mailed the parties a 68-page PDF evidence package.
- [9] On July 7, 2026 the Representative participated in the tele-hearing. The Tenants did not join the tele-hearing at the scheduled time. I telephoned and e-mailed one of the Tenants but received no response. The hearing proceeded ten minutes after the scheduled time in the Tenants' absence.

DISPOSITION

- [10] The Notice is valid and the Tenants and all occupants must vacate the Unit by the timeline below.

ISSUE

- A. Must the Tenants and all occupants vacate the Unit due to the Notice?

ANALYSIS & FINDINGS

- [11] 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.

- [12] The Representative stated that the Tenants owe a total amount of \$9,600.00 plus outstanding pro-rated rent for July 2026.
- [13] The Landlord provided all the Tenants' rent payments throughout the tenancy. The Representative stated that the Tenants' last two payments were \$900.00 on April 10, 2026 and \$800.00 on April 29, 2026. The Tenants have not made any further payments after the Notice was served.
- [14] I find that the undisputed evidence establishes that the Tenants owed May 2026's rent along with outstanding rental arrears on May 20, 2026, the date the Notice was served to the Tenants.
- [15] The outstanding rent was not paid to the Landlord within ten days of the Notice being served and the Tenants did not file an application disputing the Notice with the Rental Office.
- [16] I further 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 Tenants are 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 Tenants 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 15, 2026.**
2. The Tenants 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 8th day of July, 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.