

INTRODUCTION

- [1] This decision addresses an application filed by the Landlords with the Residential Tenancy Office (the “Rental Office”) under the *Residential Tenancy Act*, cap. R-13.11 (the “Act”).
- [2] The Landlords seek vacant possession of the Unit for non-payment of rent.

BACKGROUND

- [3] On January 30, 2026 the parties entered into a written, fixed-term tenancy agreement. Rent in the amount of \$1,735.00 is due on the 14th day of the month. A \$1,735.00 security deposit was paid in three installments:

Month	Amount
31-Jan-26	\$600.00
7-Apr-26	\$600.00
13-May-26	\$535.00
Total	\$1,735.00

- [4] On February 15, 2026 the Tenants moved into the Unit.
- [5] On April 23, 2026 the Landlords served the Tenants with a first *Form 4(A) Eviction Notice* effective May 31, 2026 for non-payment of rent and the security deposit. This eviction notice was withdrawn by the Landlords.
- [6] On May 22, 2026 the Landlords served the Tenants with a second *Form 4(A) Eviction Notice* effective July 13, 2026 for repeatedly late rent payments (the “Second Notice”).
- [7] On June 1, 2026 the Tenants e-mailed the Landlords and the Rental Office a *Form 2(A) Tenant Application to Determine Dispute* disputing the Second Notice and the withdrawn first eviction notice. The Tenants also are seeking a determination that the Landlords contravened their rights under the *Act* (the “Tenant Application”). The Tenant Application is determined in Order LD26-247.
- [8] On June 27, 2026 the Landlords served the Tenants with a third *Form 4(A) Eviction Notice* effective July 17, 2026 for non-payment of rent (the “Third Notice”).
- [9] On July 2, 2026 the Rental Office e-mailed the parties notice of a tele-hearing scheduled for July 21, 2026.
- [10] On July 13, 2026 the Landlords e-mailed the Tenants and the Rental Office a *Form 2(B) Landlord Application to Determine Dispute* seeking vacant possession of the Unit (the “Landlord Application”), which is determined in this decision. The Landlords are also seeking a monetary order against the Tenants for rent owing, which is determined in Order LD26-247.
- [11] On July 14, 2026 the Rental Office e-mailed the parties a 104-page PDF evidence package.
- [12] On July 21, 2026 the Landlords participated in the tele-hearing. I telephoned and e-mailed the Tenants and did not receive a response. After ten-minutes the tele-hearing proceeded in the Tenants’ absence. The Landlords confirmed that they received the evidence package and confirmed that all evidence submitted to the Rental Office was included in the evidence package.

DISPOSITION

- [13] The Third 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 Third Notice?

ANALYSIS & FINDINGS

- [14] The Landlords' reason for terminating the tenancy in the Third 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.

- [15] The Landlords stated that the Tenants owe rent from the period of June 14, 2026 to July 13, 2026 and from July 14, 2026 to the end of the tenancy.
- [16] The Landlords submitted the Unit's rent ledger and communication with the Tenants into evidence.
- [17] I find that the evidence presented establishes that the Tenants owed \$1,735.00 on June 27, 2026 the day the Third Notice was served.
- [18] The outstanding rent was not paid to the Landlords within ten days of the Third Notice being served and the Tenants did not file an application or amend the Tenant Application to dispute the Third Notice with the Rental Office.
- [19] I further find that the evidence does not establish that the Third Notice was waived, the tenancy was reinstated or a new tenancy was created under section 74.
- [20] As a result, I find that the Tenants are deemed to have accepted the Third Notice under subsection 60(5) of the *Act* and the tenancy ends by operation of law.
- [21] The Third Notice is valid and the Landlord Application is allowed.
- [22] 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 28, 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 21st 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.