

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 Landlords seek an order requiring the Tenant and all occupants to vacate the Unit for non-payment of rent.

BACKGROUND

- [3] The Unit is a one-bedroom, one-bathroom apartment in a three-unit building that the Landlords have owned since 2023.
- [4] The Landlords and the Tenant entered into a written, fixed-term tenancy agreement from April 2, 2026 to April 2, 2027. A security deposit of \$1,300.00 was paid on April 1, 2026. Rent in the amount of \$1,300.00 is due on the first day of the month.
- [5] On June 10, 2026 the Landlords served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of June 30, 2026 (the “Notice”) for non-payment of rent.
- [6] On July 6, 2026 the Landlords filed a *Form 2(B) Landlord Application to Determine Dispute* (the “Application”) with the Rental Office seeking vacant possession of the Unit and for the Sheriff to put the Landlords in possession, which is determined in this decision. The Application also seeks rent owing, which is determined in Order LD26-266.
- [7] On July 13, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for July 28, 2026.
- [8] On July 22, 2026 the Rental Office telephoned the Tenant but there was no response and it was not possible to leave a voicemail message.
- [9] On July 23, 2026 the Rental Office emailed the parties a 33-page PDF evidence package.
- [10] On July 28, 2026 the Landlords joined the tele-hearing. I telephoned the Tenant but there was no response and I could not leave a voicemail message. I emailed the Tenant an additional copy of the hearing instructions and informed the Tenant that the hearing would proceed. The hearing proceeded in the Tenant’s absence about ten minutes after the scheduled time.

DISPOSITION

- [11] I find that the Notice is valid and the Application is allowed.
- [12] The Tenant and all occupants must vacate the Unit and return the Unit’s keys to the Landlords by the timeline below.

ISSUE

- A. Must the Tenant and all occupants vacate the Unit and return the Unit’s keys?

ANALYSIS

- [13] The Landlords seek to end the tenancy 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] Rent was due on the first day of the month. The evidence establishes that rent in the amount of \$800.00 was owing on June 10, 2026, the date that the Notice was served. The Tenant did not pay the rent owing and also did not pay July 2026 rent.
- [15] Therefore, the Notice was not invalidated under clause 60(4)(a), which states:
- 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*
- [16] 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.
- [17] I find that the Notice is valid and the Application is allowed.
- [18] The Tenant and all occupants must vacate the Unit and return the Unit's keys to the Landlords by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on August 4, 2026**.
2. The Tenant and all occupants must vacate the Unit and return the Unit's keys to the Landlords 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 28th 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.