

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 seeks an order requiring the Tenants and all occupants to vacate the Unit for non-payment of rent.

BACKGROUND

- [3] The Landlord and the Tenants entered into a written, fixed-term tenancy agreement from May 1, 2026 to April 30, 2027. A security deposit of \$995.00 was paid on May 4, 2026. Rent in the amount of \$995.00 is due on the first day of the month.
- [4] On June 4, 2026 the Landlord served the Tenants with a *Form 4(A) Eviction Notice* with an effective date of June 24, 2026 (the "Notice") for non-payment of rent in the amount of \$985.00.
- [5] On June 24, 2026 the Landlord 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 Landlord in possession, which is determined in this decision. The Application also seeks rent owing, which will be determined in a future decision, if necessary.
- [6] On July 10, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for July 30, 2026.
- [7] On July 16, 2026 the Rental Office emailed the parties regarding evidence submissions.
- [8] On July 17, 2026 the Rental Office telephoned the Tenants and left a voicemail message for a return call.
- [9] On July 20, 2026 the Rental Office emailed the parties a 25-page PDF evidence package. An additional copy of the evidence package was mailed to the Tenants.
- [10] On July 30, 2026 the Landlord's representative and one of the Tenants (the "Tenant"), on behalf of the Tenants, joined the tele-hearing. The parties confirmed that everything submitted to the Rental Office for the determination of the Application was included. The Tenants had not submitted any documents.

DISPOSITION

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

ISSUE

- A. Must the Tenants and all occupants vacate the Unit and return the Unit's keys?

ANALYSIS

- [13] The Landlord seeks 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 \$985.00 was owing on June 4, 2026, the date that the Notice was served. The Tenants did not pay the rent owing within ten days.

[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] I find that the Notice is valid and the Application is allowed.

[17] The Tenants and all occupants must vacate the Unit and return the Unit's keys to the Landlord by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The tenancy between the parties will terminate effective **5:00 p.m. on August 24, 2026**.
2. The Tenants 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 17th day of August, 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.