

**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 against the Tenant for rent owing and non-sufficient funds fees.

**BACKGROUND**

- [3] The Unit is a mini-home rental unit that the Landlord operates.
- [4] The Landlord and the Tenant entered into a written, fixed-term tenancy agreement from July 3, 2026 to June 30, 2027. A security deposit of \$1,600.00 was paid on July 7, 2026. Rent in the amount of \$1,600.00 is due on the first day of the month.
- [5] On August 10, 2026 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* with an effective date of August 30, 2026 (the "Notice") for non-payment of rent.
- [6] On August 31, 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 Order LD26-347. The Application also seeks rent owing and non-sufficient funds fees, which are determined in this decision.
- [7] On September 17, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for September 29, 2026. The parties were responsible for serving their evidence.
- [8] On September 23, 2026 the Landlord submitted evidence to the Rental Office and on September 24, 2026 the Landlord provided a copy to the Tenant.
- [9] On September 29, 2026 the Rental Office emailed the parties copies of the Notice, proof of service of the Notice and a copy of the tenancy agreement. The Landlord's representative (the "Representative") and the Tenant participated in the tele-hearing. The Representative confirmed that no evidence was missing. The Tenant did not submit evidence.

**DISPOSITION**

- [10] The Tenant must pay the Landlord rent owing and non-sufficient funds fees in the amount of \$3,662.90 by the timeline below.

**ISSUE**

- A. Does the Tenant owe rent and non-sufficient funds fees to the Landlord?

**ANALYSIS**

- [11] The parties' evidence establishes that the Tenant owes the Landlord \$1,600.00 for August 2026 rent, \$1,600.00 for September 2026 rent and \$50.00 for two non-sufficient funds fees, in the amount of \$3,250.00.
- [12] In Order LD26-347 the tenancy is terminated effective October 8, 2026. Therefore, the Tenant must also pay the Landlord prorated October rent, in the amount of \$412.90 (8 days divided by 31 days multiplied by \$1,600.00).
- [13] The Application is valid. The Tenant must pay the Landlord rent owing and non-sufficient funds fees in the total amount of \$3,662.90 by the timeline below.

- [14] I note that subsection 40(2) of the *Act* authorizes a landlord to keep from a security deposit an amount that the Rental Office has ordered a tenant to pay to the landlord and that remains unpaid at the end of the tenancy.
- [15] If the Tenant's outstanding rent and non-sufficient funds fees remain unpaid as of October 8, 2026, then the Landlord may, at the Landlord's option, keep the Tenant's security deposit to offset part of the outstanding rent and non-sufficient funds fees.

**IT IS THEREFORE ORDERED THAT**

1. The Tenant must pay the Landlord the total amount of \$3,662.90 by November 2, 2026.
2. If the Tenant's outstanding rent and non-sufficient funds fees remain unpaid as of October 8, 2026, then the Landlord may, at the Landlord's option, keep the Tenant's security deposit to offset part of the outstanding rent and non-sufficient funds fees.

**DATED** at Charlottetown, Prince Edward Island, this 1st day of October, 2026.

(sgd.) Andrew Cudmore

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**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 **20 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.