

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 Unit is a one-bedroom, one-bathroom apartment located in a six-unit building that the Landlord has owned since 2012.
- [4] The Landlord and the Tenants entered into a written, fixed-term tenancy agreement from July 10, 2026 to August 31, 2027. A security deposit of \$1,200.00 was required. Rent in the amount of \$1,200.00 is due on the first day of the month.
- [5] On or about August 5, 2026 the Landlord served the Tenants with a *Form 4(A) Eviction Notice* with an effective date of August 26, 2026 (the "Notice") for non-payment of rent.
- [6] On September 1, 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 is determined in Order LD26-350.
- [7] On September 18, 2026 the Rental Office emailed the parties notice of a tele-hearing scheduled for October 1, 2026.
- [8] On September 25, 2026 the Rental Office emailed the parties a 48-page PDF evidence package.
- [9] On October 1, 2026 the Landlord's representative (the "Representative") joined the tele-hearing. I emailed the Tenants an additional copy of the tele-hearing instructions and informed the Tenants that the hearing would proceed ten minutes after the scheduled time. I telephoned the Tenants but there was no response. The hearing was held in the Tenants' absence. The Representative submitted additional evidence during the hearing. The Representative confirmed that no evidence was missing.

DISPOSITION

- [10] I find that the Notice is valid and the Application is allowed.
- [11] 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

- [12] 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.

[13] Rent was due on the first day of the month. The evidence establishes that rent in the amount of \$1,200.00 was owing on or about August 5, 2026, the date that the Notice was served. The Tenants did not pay the rent owing and also did not pay September or October 2026 rent.

[14] 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...*

[15] The Tenants did not file or serve an application disputing the Notice. Therefore, the Tenants are also deemed to have accepted the Notice under subsection 60(5) of the Act, which states:

*Where a tenant who has received a notice of termination under this section does not pay
the rent or make an application to the Director in accordance with subsection (4), the tenant
(a) is deemed to have accepted that the tenancy ends on the effective date of the
notice of termination; and
(b) shall vacate the rental unit by that date.*

[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 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 October 8, 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 1st day of October, 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.