

INTRODUCTION

- [1] This decision addresses an application the Landlord filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act*, cap. R-13.11 (the "Act").
- [2] The Landlord seeks an order enforcing an eviction notice for non-payment of rent and requiring the Tenant to vacate the Unit.

BACKGROUND

- [3] The Unit is a single-bedroom in a three-bedroom, one-bathroom rental unit in a triplex, owned by the Landlord.
- [4] On March 27, 2026 the parties entered into a written, monthly tenancy agreement for the Unit. Rent in the amount of \$725.00 is due on the first day of the month. A \$725.00 security deposit was required but not paid.
- [5] On August 1, 2026 the Landlord served the Tenant with a *Form 4(A) Eviction Notice* effective August 20, 2026 for non-payment of rent, in the amount of \$2,745.00 (the "Notice").
- [6] On September 4, 2026 the Landlord filed with the Rental Office a *Form 2(B) Landlord Application to Determine Dispute* requesting the Sheriff to put the Landlord into possession of the Unit, which is determined in this decision.
- [7] On September 17, 2026 the Landlord e-mailed the Rental Office an amended *Form 2(B) Landlord Application to Determine Dispute* seeking a monetary order for rent owing, which is determined in Order LD26-362 (the "Application"). The Application was posted to the Unit's front door.
- [8] On September 25, 2026 the Rental Office provided the parties with a notice of tele-hearing scheduled for October 8, 2026.
- [9] On October 2, 2026 the Rental Office provided the parties with an 18-page PDF evidence package.
- [10] On October 8, 2026 the Landlord and the Tenant participated in the hearing. The parties confirmed that they received the evidence package. The Landlord confirmed that all evidence submitted to the Rental Office was included. The Tenant did not submit any evidence.

DISPOSITION

- [11] The Notice is valid and the Tenant must vacate the Unit by the timeline below.

ISSUE

- A. Must the Tenant vacate the Unit due to the Notice?

ANALYSIS & FINDINGS

- [12] The Landlord's reason for terminating the tenancy in the 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.

- [13] The parties agreed that the Tenant had outstanding rent, in the amount of \$2,165.00 and that rent was outstanding as of August 1, 2026, the date the Notice was served. The parties agreed that the Tenant's last rent payment was \$380.00 on August 10, 2026.
- [14] I find that the evidence presented establishes that the Tenant did not pay the outstanding rent within ten days of receiving the Notice and did not file an application with the Rental Office disputing the Notice.
- [15] Clauses 60(4)(a) and (b) state:
- 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*
(b) *dispute the notice of termination by making an application to the Director under section 75.*
- [16] I further find that that 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] The Notice is valid. As a result, I find that the Tenant is deemed to have accepted the Notice under subsection 60(5) of the *Act* and the tenancy ends by operation of law.
- [18] The Application is allowed.
- [19] The Tenant 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 October 15, 2026.
2. The Tenant 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 under the *Act*.

DATED at Charlottetown, Prince Edward Island, this 8th day of October, 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.