INTRODUCTION

[1] This decision addresses an application the Tenant filed with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "Act").

[2] The Tenant seeks an Order against the Subtenant for rent owing.

BACKGROUND

[3] The Unit is a single-bedroom located in a three-bedroom rental unit (the "Residential Property").

[4] In May 2024, the Tenant entered into a tenancy agreement for the Residential Property with the property owner.

[5] On June 1, 2026, the Tenant and the Subtenant entered into an oral monthly subletting agreement for the Unit. Rent is $800.00 per month, payable on the first day of the month. The Subtenant paid an $800.00 security deposit on May 30, 2026.

[6] On September 17, 2026, the Tenant and the Subtenant participated in a previous Rental Office tele-hearing. The Subtenant disputed an eviction notice the Tenant served.

[7] On September 18, 2026, the Rental Office issued Order LD26-331, which found that the eviction notice was invalid because the Subtenant paid the rent due within ten days. The Subtenant remained living in the Unit.

[8] On October 2, 2026, the Tenant served the Subtenant with a *Form 4(A) Eviction Notice,* effective October 22, 2026 (the "Notice"), for nonpayment of rent in the amount of $800.00 for October 2026.

[9] On October 23, 2026, the Tenant filed a *Form 2(B) Landlord Application to Determine Dispute* seeking rent owing, which is determined in this decision (the "Application"). The Application also seeks vacant possession of the Unit, which is determined in **Order LD26-412**.

[10] On October 27, 2026, the Rental Office emailed the parties notice of a tele-hearing scheduled for November 5, 2026.

[11] On October 30, 2026, the Rental Office emailed the parties a 19-page PDF which contained links to three Tenant videos (the "Evidence Package").

[12] On November 5, 2026, the Tenant participated in the tele-hearing. I telephoned the Subtenant and emailed the Subtenant a copy of the tele-hearing notice. The Subtenant did not join the tele-hearing, and it proceeded ten minutes after the scheduled time. The Tenant confirmed receipt of the Evidence Package and stated that no evidence was missing from the record.

DISPOSITION

[13] The Tenant will keep the security deposit, including interest, of $809.64.

[14] The Subtenant must pay the Tenant rent owing in the total amount of $337.03 by the timeline below.

ISSUE

A. Does the Subtenant owe the Tenant rent?

ANALYSIS & FINDINGS

[15] The Tenant stated he is seeking rent owing because the Subtenant did not pay rent for October or November 2026. He is also seeking to keep the security deposit to offset the rent owing.

[16] I accept the Tenant's undisputed evidence that the Subtenant did not pay rent for October 2026 and November 2026.

[17] In **Order LD26-412**, the subtenancy is terminated effective November 13, 2026, for non-payment of rent. Therefore, the Subtenant must pay the Tenant prorated rent from November 1 to 13, 2026, in the amount of $346.67 ($800.00 ÷ 30 days x 13 days).

[18] The Subtenant owed the Tenant rent owing in the total amount of $1,146.67 ($800.00 + $346.67).

[19] I note that, in this case, section 40 of the Act does not apply to the Tenant because section 40 applies only to "landlords" respecting the security deposit (see Order LR24-72). Therefore, I find that the Tenant may keep the security deposit, including interest, of $809.64, to offset the rent owing.

[20] The Subtenant must pay the Tenant $337.03 by the timeline below.

IT IS THEREFORE ORDERED THAT

1. The Tenant will keep the security deposit, including interest, of $809.64.

2. The Subtenant must pay the Tenant $337.03 by December 7, 2026.

DATED at Charlottetown, Prince Edward Island, this 6th day of November, 2026.

(sgd.) Mitch King

Mitch King
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.