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 enforcing an eviction notice for non-payment of rent and requiring the Subtenant to vacate the Unit.

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 vacant possession of the Unit, which is determined in this decision (the "Application"). The Application also seeks a monetary order for rent owing, which is determined in **Order LD26-411**.

[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 Notice is valid, and the Subtenant must vacate the Unit by the timeline below.

ISSUE

A. Must the Subtenant vacate the Unit due to the Notice?

ANALYSIS & FINDINGS

[14] The Tenant stated he is seeking vacant possession of the Unit because the Subtenant did not pay rent for October 2026 and November 2026.

[15] The Tenant's reason for terminating the subtenancy 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.*

[16] The evidence establishes that the Subtenant had outstanding rental arrears as of October 2, 2026, the date the Tenant served the Notice. I find that the Subtenant did not pay the rent owing stated in the Notice, nor did the Subtenant pay the rent for November 2026.

[17] Therefore, I find that 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…*

[18] The evidence does not establish that the Notice was waived, the subtenancy was reinstated, or a new subtenancy was created under section 74 of the Act.

[19] I find that the Subtenant is 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.*

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

IT IS THEREFORE ORDERED THAT

1. The subtenancy between the Tenant and the Subtenant will terminate effective **5:00 p.m. on November 13, 2026**.

2. The Subtenant must vacate the Unit and return the Unit's keys to the Tenant 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 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 **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.