



Office of the  
Director of Residential  
Rental Property  
Bureau du  
directeur des propriétés  
résidentielles à louer

Prince Edward Island  
Île-du-Prince-Édouard  
CANADA

## How do I Prepare for a Hearing?



A Useful Guide for Landlords & Tenants

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The following information is intended as a guide for landlords and tenants attending a hearing under the *Rental of Residential Property Act*. The *Act* and further information can be obtained at the Office of the Director of Residential Rental Property on the 5<sup>th</sup> Floor, National Bank Tower, 134 Kent Street, Charlottetown, at any Access PEI office, or online at [www.irac.pe.ca/rental](http://www.irac.pe.ca/rental). Our telephone number is (902) 892-3501 or 1-800-501-6268.

### What is a hearing?

A hearing is a proceeding where a lessor (landlord) and lessee (tenant) are given an opportunity to present evidence to a Hearing Officer and that Officer renders a written decision based on the facts presented.

### How will I know if there is a hearing?

Where a dispute calls for a hearing, the Director will serve the parties involved with a Notice of Hearing. In most cases, the notice will be mailed; however, there may be circumstances where the notice may be served in person or attached to your door. The notice will state the date, time and location of the hearing.

### Am I required to attend the hearing?

We encourage you to attend hearings in order to provide information that will help us reach a fair decision. You are not required by law to attend a hearing but if you do not attend, the hearing may proceed without you and you will have no right to appeal the decision made as a result of that hearing.

### What if I cannot attend a hearing?

If you are unable to attend your hearing, contact the Office of the Director of Residential Rental Property and ask to speak with the Hearing Officer assigned to your case. Any request for a rescheduling may or may not be granted by the Hearing Officer. If you cannot attend or reschedule, it is recommended that you send an authorized representative in order to retain your right to appeal a decision.

### Can I take someone with me to the hearing?

The hearing is not open to the public. Only the parties involved in the rental matter are permitted to attend the hearing. Witnesses are allowed to present evidence on your behalf at the hearing. You are not required to have a lawyer represent you at the hearing; however, if you retain a lawyer you are responsible for paying the fees.

### How is a hearing conducted?

A hearing is conducted by an Officer or the Director of Residential Rental Property. Before information is presented, all parties and their witnesses must be sworn in or affirm their testimony.

You need to come prepared to the hearing with all of the evidence you have that relates to your arguments. The Hearing Officer may not accept evidence after the hearing is over.

Evidence can be written, oral or audio/visual presentation. Each party will have the benefit of viewing the evidence as well as hearing the testimony of witnesses. Both parties will have an opportunity to comment on any evidence presented.

A hearing can provide an opportunity for the parties to resolve their differences and reach a mutual agreement. If the parties negotiate an agreement, the Hearing Officer may issue an Order stating the details of the mutual agreement.

### What type of evidence do I take to the hearing?

There are three types of evidence that are used at a hearing – written, oral and audio/visual presentations.

#### Written:

- Rental agreements, rent and security deposit receipts, cancelled cheques and ledgers;
- Professional letters from authoritative bodies ; i.e., Environmental Health, building inspectors, policing agencies;
- Testimonial letters from third party witnesses; i.e., neighbours, previous tenants, etc.
- A log or diary of the events including date, time and names of people;
- E-mails and other written correspondence between the lessee and lessor;
- Estimates and/or receipts for damages;
- Utility invoices; i.e., electricity, oil.

#### Oral:

- Testimony by the parties (lessee and lessor);
- Testimony by third parties (witness).

#### Audio/Visual Presentation:

- Photographs;
- Audio/video tapes.

To avoid delays, you should submit 2 copies of all documentary evidence at the time of the hearing.

### Is there anything else I can do to help me prepare for a hearing?

In some cases, parties find it useful to prepare a written summary of the evidence and arguments that they wish to present at the hearing.

### How long does a hearing last?

It is difficult to state how long a hearing will last. The number of people involved, the amount of evidence submitted and the arguments put forth by both parties can affect the length of time required for a hearing.

### How will I know the decision made at the hearing?

You will receive a written Order from the Hearing Officer informing you of the decision.

### What if I disagree with the decision?

Any party who appeared or was represented at the hearing before the Hearing Officer may appeal the decision to the Island Regulatory and Appeals Commission within twenty days of receipt of the decision. The party who wishes to appeal must contact the Commission for further information.

### If the decision states that the residential premises must be vacated, how much notice is given?

Depending on the circumstances, the Hearing Officer may be able to tell you at the hearing how much time you have to vacate. In any event, the Hearing Officer will clearly state in the Order the date and time for vacating the residential premises.