

## Residential Tenancies Tribunal

Application 2024-0741-NL

Seren Cahill  
Adjudicator

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### Introduction

1. Hearing was held on 17-September-2024 at 2:00 pm.
2. The applicant, [REDACTED], attended via teleconference on behalf of herself and her co-applicant [REDACTED]. Hereinafter the [REDACTED] are referred to as the landlords.
3. The respondent, [REDACTED], hereinafter referred to as the tenant, did not attend.

### Preliminary Matters

4. The tenant was not present or represented at the hearing and I was unable to reach them by telephone at the start of the hearing. This Tribunal's policies concerning notice requirements and hearing attendance have been adopted from the *Rules of the Supreme Court, 1986*. According to Rule 29.05(2)(a) respondents to an application must be served with claim and notice of the hearing 10 clear days prior to the hearing date and, where the respondent fails to attend the hearing, Rule 29.11(1) states that the hearing may proceed in the respondent's absence so long as they have been properly served. The landlords submitted an affidavit (LL#1) with their application stating that they had served the tenant with notice of the hearing personally on 7-September-2024 at 2:00 pm. As the tenant was properly served, and as any further delay in these proceedings would unfairly disadvantage the landlord, I proceeded with the hearing in their absence.

### Issues before the Tribunal

5. Should the landlord's claim for unpaid rent be granted?

### Legislation and Policy

6. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018* (the *Act*).

### **Issue 1: Unpaid Rent**

7. The landlords claim \$3600 in unpaid rent. This represents the entirety of the monthly rent of \$900 for the months of June, July, August, and September. A rent ledger was offered in support of this (LL#2). However, this tribunal cannot consider future rent. Therefore, I can only award rent up to the date of the hearing.
8. A daily rate must be determined. The correct formula for determining a daily rate is found by multiplying the monthly rent by the 12 months of the year and dividing by the 366 days of this year. In the present case,  $\$900/\text{month} \times (12 \text{ months}/366 \text{ days}) = \sim \$29.51/\text{day}$ . Calculated to the date of the hearing, this results in a total of \$501.64 owing for the month of September so far. For the sake of clarity, it should be noted that the tenant must continue to pay rent for each day in which they continue to reside in the property.
9. The total rent owing as of the hearing date is therefore \$3201.64.

### **Decision**

10. The landlord's claim succeeds in the amount of \$3201.64.

### **Summary of Decision**

11. The tenant shall pay to the landlords \$3201.64 in unpaid rent.

24-October-2024

Date

  
Seren Cahill  
Residential Tenancies Office