

Residential Tenancies Tribunal

Application 2024-0805-NL

Pamela Pennell
Adjudicator

Introduction

1. Hearing was called at 9:09 a.m. on 2-December-2024.
2. The applicant, [REDACTED], hereinafter referred to as "the landlord", attended by teleconference. [REDACTED], support person also attended.
3. The respondent, [REDACTED], hereinafter referred to as "the tenant" attended by teleconference.

Preliminary Matters

4. The landlord submitted an affidavit with his application stating that he had served the tenant with the notice of hearing personally at the residential premises on 15-November-2024 (LL#1). The tenant confirmed receipt of the document on that date. In accordance with the *Residential Tenancies Act, 2018* this is good service.
5. There is a written month-to-month rental agreement which commenced on 1-October-2019. Rent is \$650.00 per month, due on the 1st day of each month. A security deposit \$650.00 was paid on 26-August-2019 and is in the landlord's possession.

Issues before the Tribunal

6. The landlord is seeking:
 - An order for vacant possession of the rented premises

Legislation and Policy

7. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.
8. Also, relevant and considered in this decision is the following section of the *Residential Tenancies Act, 2018*: Section 18: Notice of termination of rental agreement.

Issue # 1: Vacant Possession of the Rented Premises

Relevant Submission

9. The landlord submitted a copy of a termination notice issued to the tenant on a *Landlord's Notice to Terminate – Standard* form dated and signed for the 22-August-2024 with a termination date of 30-November-2024 (LL#2).

Landlord's Position

10. The landlord did not have a position as he issued the notice under the authority of the *Residential Tenancies Act, 2018*.

Analysis

11. The notice was served under Section 18 of the *Residential Tenancies Act, 2018* which states:

Notice of termination of rental agreement

18. (1) A tenant shall give the landlord notice that the rental agreement is terminated and the tenant intends to vacate the residential premises

(a) not less than 4 weeks before the end of a rental period where the residential premises is rented from week to week;

(b) not less than 1 month before the end of a rental period where the residential premises is rented from month to month; and

(c) not less than 3 months before the end of the term where the residential premises is rented for a fixed term.

.....

(9) In addition to the requirements under section 34, a notice under this section shall

(a) be signed by the person providing the notice;

(b) be given not later than the first day of a rental period;

(c) state the date, which shall be the last day of a rental period, on which the rental agreement terminates and the tenant intends to vacate the residential premises or the date by which the tenant is required to vacate the residential premises; and

(d) be served in accordance with section 35.

12. I asked the landlord how he issued the termination notice and he responded that he served it personally on 22-August-2024 at the residential premises. The tenant confirmed receipt of the termination notice on that date. In accordance with Section 18 of the *Act* as stated above, I find that the notice was given not less than 3 months before the end of a rental period where the residential premises is rented from month to month, and as such, I find that the termination notice is a valid notice.

13. I find that the tenant should have vacated the premises on 30-November-2024.

Decision

14. The landlord's claim for an *order of vacant possession* succeeds.
15. The tenant shall vacate the premises immediately.
16. The tenant shall pay to the landlord any costs charged to the landlord by the Office of the High Sheriff should the landlord be required to have the Sheriff enforce the attached Order of Possession.
17. The landlord will be awarded an Order of Possession.

December 6, 2024

Date



Pamela Pennell, Adjudicator
Residential Tenancies Office