

Residential Tenancies Tribunal

Application 2024-0961-NL

Oksana Tkachuk
Adjudicator

Introduction

1. Hearing was called at 9:15 a.m. on 18-November-2024.
2. The applicant, [REDACTED], represented by [REDACTED], hereinafter referred to as "the landlord", and [REDACTED] as a supportive person, attended by teleconference.
3. The respondent 1, [REDACTED], attended via teleconference and was representing respondent 2, [REDACTED], hereinafter referred to as "the tenants".

Preliminary Matters

4. The landlord's representative submitted two affidavits with their application stating that they had served the tenants with the notice of the hearing on 7-November-2024 personally (LL#1,2). The tenant confirmed receiving notice of the hearing on that date. In accordance with the *Residential Tenancies Act, 2018* this is good service, the hearing proceeded.
5. There is a written month to month rental agreement which commenced in June-2014. Rent is \$1591.00 per month due on the first of each month. A security deposit was never paid.

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 and following section of the *Residential Tenancies Policy Manual*: Section 12-1: Costs.

Issue # 1: Vacant Possession of the Rented Premises

Landlord's Position:

9. The landlord's representative submitted a copy of the *Standard termination notice*, issued to the tenants on 28-June-2024 with a move-out date of 30-September-2024, under Section 18: Notice of Termination of Rental Agreement. The landlord's representative further stated that the termination notice was served to the tenants personally on that date. The landlord submitted a copy of the termination notice to support the claim (LL#3).

Tenant's Position:

10. The tenant confirmed that they received a termination notice on 28-June-2024 and stated that they are looking for a new place to live since that time, however they haven't been able to find one.

Analysis

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

Notice of termination of rental agreement

18. (2) A landlord shall give the tenant notice that the rental agreement is terminated and the tenant is required 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) ***(b) not less than 3 months 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 accept landlord's and tenant's testimony. In accordance with the Section 18 of the *Residential Tenancies Act*, as stated above, the termination notice given not less than 3 months before the end of the rental period, meets the technical requirements of the Act and is a valid notice.

13. I find that the tenants should have vacated the property by 30-September-2024.

Decision

14. The tenants shall vacate the premises immediately.
15. The tenants 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.
16. The landlord will be awarded an Order of Possession.

November 22, 2024

Date

Oksana Tkachuk, Adjudicator
Residential Tenancies Office