

Residential Tenancies Tribunal

Application 2024-1057-NL

Pamela Pennell
Adjudicator

Introduction

1. Hearing was called at 1:47 p.m. on 17-December-2024.
2. The applicant, [REDACTED], represented by [REDACTED] [REDACTED], hereinafter referred to as “the landlord”, attended by teleconference.
3. The respondent, [REDACTED], hereinafter referred to as “the tenant” attended by teleconference.

Preliminary Matters

4. The landlord submitted an affidavit with their application stating that they had served the tenant with the notice of hearing personally at the residential premises on 21-November-2024 (LL#1). The respondent confirmed receipt of the document. 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-January-2022. Rent is \$677.00 per month, due on the 1st day 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*. 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 Submissions

8. The landlord submitted a copy of a termination notice issued to the tenant on 21-August-2024 under Section 18; Notice of termination of rental agreement to vacate the premises on 30-November-2024 (L#2).

Landlord's and Tenant's Positions

9. The landlord did not have a position as they gave the termination notice under the authority of the *Residential Tenancies Act, 2018*. The tenant did not have a position.

Analysis

10. 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) *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.*

11. The landlord's representative testified that they gave the termination notice on 21-August-2024 by sending it via pre-paid registered mail ([REDACTED]) on that date. The tenant confirmed receipt of the termination notice.

12. This tribunal can only review the authenticity of the termination notice and I find that the notice submitted by the landlord meets the requirements of not less than 3 months before the end of a rental period where the residential premises is rented month-to-month. 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 property 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 24, 2024

Date



Pamela Pennell, Adjudicator
Residential Tenancies Office