

## Residential Tenancies Tribunal

Application 2024-1102-NL

Pamela Pennell  
Adjudicator

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### Introduction

1. Hearing was held in-person at the *Residential Tenancies Office* in Mount Pearl at 9:21 a.m. on 22-January-2025.
2. The applicants, [REDACTED] and [REDACTED], hereinafter referred to as "the landlords" attended in-person. Also, present was [REDACTED], Interpreter.
3. The respondent, [REDACTED], hereinafter referred to as "the tenant" attended in-person. The respondent, [REDACTED], hereinafter referred to as "the tenant" did not attend.

### Preliminary Matters

4. During the preliminary stages of the hearing, it was determined that the applicants submitted their application for dispute resolution on 21-November-2024 and paid the application fee on 19-November-2024.
5. There was a verbal month-to-month rental agreement which commenced on 6-February-2021. The tenants vacated the unit on 22-September-2023.

### Issues before the Tribunal

6. The tribunal is required to adjudicate on the allowable *timeframe* to make an application to the director.

### 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 42: Application to Director.

### Issue # 1: Timeframe to make application to the Director.

## Analysis

9. During the preliminary stage of the hearing as stated above, it was determined that the applicants submitted their application for dispute resolution on 21-November-2024 and paid the filing fee of \$20.00 on 19-November-2024. It was also confirmed by both parties that the tenancy ended on 22-September-2023.

10. Section 42 of the *Residential Tenancies Act, 2018* states:

### **Application to Director**

42. (1) *A landlord or tenant may, within one year after termination of the rental agreement, apply to the director to determine*

- (a) *A question arising under this Act or the regulations; or*
- (b) *Whether a provision of the rental agreement has been contravened; or*
- (c) *Whether a provision of this Act or the regulations has been contravened.*

11. In accordance with Section 42 of the *Act* as stated above, the one-year time frame allowable to make an application for dispute resolution ended on 22-September-2024. I find that the landlords were outside of their allowable time frame to make an application and as such, I find that this tribunal does not have the authority nor is it within its jurisdiction to proceed with the applicants claim for losses.

## **Decision**

12. The submission of the claim for losses does not fall within the allowable time frame in accordance with Section 42 of the *Residential Tenancies Act, 2018*.
13. This tribunal does not have the authority to proceed with a hearing for the landlords claim for losses.

January 30, 2025

Date

  
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Pamela Pennell, Adjudicator  
Residential Tenancies Office