

Residential Tenancies Tribunal

Application 2024-1102-NL

Pamela Pennell
Adjudicator

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



Pamela Pennell, Adjudicator
Residential Tenancies Office