

Residential Tenancies Tribunal

Application 2025-0078-NL

Oksana Tkachuk
Adjudicator

Introduction

1. Hearing was called at 1:52 p.m. on 11-February-2025.
2. The applicant, [REDACTED], attended via teleconference.
3. The respondent, [REDACTED], was represented by [REDACTED], who attended via teleconference.

Preliminary Matters

4. The applicant testified that she holds power of attorney for her mother, the original owner of the house, and that the property was transferred from her mother to her on 13-November-2024. The applicant stated that the respondent is not a tenant of the property and never paid rent for staying in the house. The applicant explained that the respondent was previously in relationship with her mother, but they have since separated, and he is now unlawfully occupying the property located at [REDACTED], [REDACTED], NL, [REDACTED].
5. The respondent's representative acknowledged that no landlord-tenant relationship was ever established.
6. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the Act. The application of the Act is defined by section 3, which reads as follows:
 3. (1) Notwithstanding another Act or agreement, declaration, waiver or statement to the contrary, this Act applies where the relationship of landlord and tenant exists in respect of residential premises.
 - (2) Notwithstanding another Act or agreement, declaration, waiver or statement to the contrary, this Act applies to residential premises, residential complexes and rental agreements, whether made before or after this Act comes into force.
 - (3) The relationship of landlord and tenant shall be considered to exist in respect of residential premises where the tenant
 - (a) uses or occupies residential premises and

- (i) has paid or agreed to pay rent to the landlord, or
- (ii) a governmental department or agency has paid or has agreed to pay rent to the landlord;

(b) makes an agreement with the landlord by which the tenant is granted the right to use or occupy residential premises in consideration of the payment of or the promise to pay rent; or

(c) has used or occupied residential premises and

- (i) has paid or agreed to pay rent to the landlord, or
- (ii) a governmental department or agency has paid or agreed to pay rent to the landlord.

7. Since the applicant and respondent's representative agreed that no landlord-tenant relationship was ever established in respect of residential premises, this tribunal has no jurisdiction. The application is dismissed.

February 14, 2025

Date

Oksana Tkachuk, Adjudicator
Residential Tenancies Office

