

Residential Tenancies Tribunal

Application 2025-0089-NL

Oksana Tkachuk
Adjudicator

Introduction

1. Hearing was called at 2:00 p.m. on 24-March-2025.
2. The applicant, [REDACTED], hereinafter referred to as “the landlord”, attended via teleconference.
3. The respondent, [REDACTED], hereinafter referred to as “the tenant”, did not attended via teleconference.

Preliminary Matters

4. In establishing the residential tenancy relationship, I have considered the evidence provided by the landlord. Based on the email communications between the landlord and the tenant and landlord’s testimony, I find that both parties agreed the tenancy would end on 31-December-2023. The landlord testified that on 5-November-2023 the tenant requested to terminate the rental agreement via email. The landlord stated that he informed the tenant that at least one month’s notice was required, stating that the move-out date would be 31-December-2023.
5. Upon reviewing the emails submitted by the landlord, I note that on 4-January-2024 the landlord inquired about the return of keys, and the tenant responded that she was unaware of where they should be left. Based on this exchange it appears that the landlord was expecting the keys to be returned as the tenant vacated the unit and for that reason, I accept that the tenancy had ended prior to 4-January-2024.
6. The jurisdiction of the Director of Residential Tenancies is outlined in section 42 of the *Act*, which reads as follows:

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;
- (b) whether a provision of a rental agreement has been contravened; or
- (c) whether a provision of this Act or the regulations has been contravened.

7. The landlord submitted his application on 23-January-2025, stating that the tenancy ended on 23-January-2024. However, as I have found that the tenancy ended prior to that date and given that more than one year has passed since the tenancy ended, according to the Section 42 of the *Act* as stated above, I find that this matter falls outside the jurisdiction of the Residential Tenancies Tribunal.

Decision

8. The claim does not fall under the jurisdiction of the *Residential Tenancies Act, 2018*.

March 26, 2025

Date



Oksana Tkachuk, Adjudicator
Residential Tenancies Office