

Residential Tenancies Tribunal

Application 2025-0366-NL

Pamela Pennell
Adjudicator

Introduction

1. Hearing was called at 9:16 a.m. on 5-August-2025.
2. The applicant, [REDACTED], represented by [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 via pre-paid registered mail ([REDACTED]) on 7-May-2025 (LL#1). Canada Post tracking indicates that the mail was not retrieved. In accordance with the *Residential Tenancies Act, 2018* registered mail is considered served on the 5th day after it is sent. This is good service.
5. There is a written month-to-month rental agreement which commenced on 15-April-2024. Rent is \$1066.00 per month, due on the 1st day of each month. A security deposit of \$768.75 was paid on 5-April-2024.

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*. Also, 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 Submission

8. The landlord submitted a copy of a termination notice issued to the tenant on 9-April-2025 under Section 18: Notice of termination of rental agreement to vacate the premises on 31-July-2025 (LL#2).

Landlord's & Tenant's Positions

9. The landlord did not have a position as the termination notice was given under the authority of the *Residential Tenancies Act, 2018*. The tenant did not dispute the termination notice in any way and stated that he has been unsuccessful in securing a new place of residence.

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. 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. The landlord testified that the termination notice was given personally at the residential premises on 9-April.

12. As a valid termination notice was given and as the tenant did not dispute the notice, I find that the tenant should have vacated the premises on 31-July-2025.

Decision

13. The landlord's claim for an Order for vacant possession succeeds.
14. The tenant shall vacate the property immediately.
15. 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.
16. The landlord will be awarded an Order of Possession.

August 5, 2025

Date



Pamela Pennell, Adjudicator
Residential Tenancies Office