

Residential Tenancies Tribunal

Application 2025-0407-NL

Michael Reddy
Adjudicator

Introduction

1. Hearing was held at 9:21 AM on 9 June 2025 via teleconference.
2. The applicant, [REDACTED], hereinafter referred to as “the first tenant”, attended. The second applicant, [REDACTED], did not attend. [REDACTED], attended as an interpreter and support person for the first applicant.
3. The respondent, [REDACTED], hereinafter referred to as “the landlord”, did not attend the hearing and was not represented.

Preliminary Matters

4. The tenant supplied an affidavit of service (T#1) with the application indicating the landlord had been served by text message ([REDACTED]) on 23 May 2025 at approximately 11:30 AM. This Tribunal's policies concerning notice requirements and hearing attendance have been adopted from the *Rules of the Supreme Court, 1986*. According to Rule 29.05(2)(a) respondents to an application must be served with claim and notice of hearing 10 clear days prior to the hearing date and, where the respondent fails to attend the hearing, Rule 29.11(1) states that the hearing may proceed in the respondent's absence so long as they have been properly served. As the landlord was properly served, as I was unable to establish contact with the landlord by telephone prior to the hearing, and as any further delay in these proceedings would unfairly disadvantage the tenants, I proceeded with the hearing in their absence.
5. There was a written monthly rental agreement which commenced on 1 July 2022, with rent of \$1050.00 due on the 1st of each month. There was a security deposit of \$750.00 collected on 1 July 2022 and is still in the possession of the landlord. The current landlord took ownership of the rental premises in August 2023.

Issues before the Tribunal

6. The tenant is seeking:
 - Validity of termination notice
 - Hearing expenses of \$20.00

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* (the *Act*).
8. Also, relevant and referred to in this decision are Sections 34 and 35 of the *Act*, along with Section 12-001 of the *Residential Tenancies Policy Manual: Costs*.

Issue 1: Validity of Termination Notice

Relevant Submission

9. The tenant submitted a copy of a termination notice (T#2). The tenant testified this termination notice was received by e-mail on 3 January 2025 with a request for both tenants to vacate the rental premises by 30 April 2025.

Tenant's Position

10. The tenant is seeking to determine the validity of this notice.

Analysis

11. This decision will determine the validity of the termination notice in relation to Section 34 of the *Act* as specified below:

Requirements for notices

- 34.** A notice under this Act shall
- (a) be in writing in the form prescribed by the minister;
 - (b) contain the name and address of the recipient;
 - (c) identify the residential premises for which the notice is given; and
 - (d) state the section of this Act under which the notice is given.

12. Upon review of T#2, the section of the *Act* under which the notice is given is not indicated. Also, the termination notice only contains the name of one of the tenants and not both.

13. The requirements of Section 34 are not met.

Decision

14. The termination notice issued by the landlord on 3 January 2025 to the tenants is not a valid notice.

Issue 2: Hearing expenses

Relevant Submission

15. The tenant claims \$20.00 hearing expenses. Along with the application, the tenants supplied a receipt for hearing expenses (T#3).

Analysis

16. In accordance with Section 12-001 of the Residential Tenancies Policy Manual: Costs, the director has the authority to order, "*an unsuccessful party to an application to pay the costs to a successful party to an application*". As the tenants are successful in their application, hearing expenses will be awarded.

Decision

17. The tenants claim for hearing expenses succeeds in the amount of \$20.00.

Summary of Decision

18. The termination notice issued to the tenants on 3 January 2025 is not a valid notice.
19. The landlord shall pay \$20.00 to the tenants for the hearing expenses.

17 July 2025

Date



Michael Reddy, Adjudicator
Residential Tenancies Office