

Residential Tenancies Tribunal

Application 2022-No.110-NL

Decision 22-0110-00

Jacqueline Williams
Adjudicator

Introduction

1. Hearing was called at 11:05 a.m. on 05-April-2022.
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 respondent brought a family friend as a support person, [REDACTED].
5. The landlord submitted an affidavit stating that they served the tenant by registered mail and the tracking number shows that the mail was sent on 28-February-2022 and delivered on 03-March-2022. The tenant confirms receipt of hearing package.

Issues before the Tribunal

6. The landlord is seeking vacant possession of the rental 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*.
8. 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 Rental Premises

Landlord's Position

9. The landlord said that the tenant moved in 01-July-2020. He has a written monthly rental agreement. His rental period is from the 1st day of the month to the last and his rent is \$865.00 due on the 1st day of every month. The tenant paid a security deposit, prior to moving in, of \$581.25 and the landlord is still in possession of that deposit.
10. The landlord said that they served the tenant with a Section 18 termination notice (LL#02). The notice is signed and dated for 29-November-2021 with a termination date of 28-February-2022. She said that she personally posted the notice on the tenant's door on 29-November-2021.

Tenant's Position

11. The tenant said that he receives government funding for his rent. He said he had to have approval from Newfoundland and Labrador Housing Corporation to move to a new apartment. He recently received approval and has applied for another apartment.
12. The tenant said he didn't know why he was being evicted and was waiting for the hearing to find out if he had to move.

Analysis

13. A termination notice under Section 18 of the Residential Tenancies Act, 2018 is a standard three month notice as follows:

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.


14. The landlord is not required to provide an explanation to this board or the tenant for the reason for the termination of the rental agreement.
15. The landlord's notice meets the requirements of the Act and the tenant should have vacated the apartment by 28-February-2022.

Summary of Decision

16. The tenant shall vacate the premises immediately.
17. The tenant shall pay to the landlord any costs charged to the landlord, by the Office of the High Sherriff, should the landlord be required to have the Sheriff enforce the attached Order of Possession.
18. The landlord is granted an Order of Possession.

April 13, 2022

Date


Jacqueline Williams, Adjudicator
Residential Tenancies Office