

Residential Tenancies Tribunal

Application 2022 No. 0130NL

Decision 22-0130-00

John R. Cook
Adjudicator

Introduction

1. The hearing was called at 9:15 AM on 06 June 2022 via teleconference.
2. The applicant, [REDACTED], was represented at the hearing by [REDACTED], hereinafter referred to as "the landlord".
3. The respondent, [REDACTED], hereinafter referred to as "the tenant", did not participate.

Issues before the Tribunal

4. The landlord is seeking an order for a payment of rent in the amount of \$2,250.00.

Legislation and Policy

5. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.
6. Also relevant and considered in this case is sections 19 of the *Residential Tenancies Act, 2018* and rule 29 of *The Rules of the Supreme Court, 1986*.

Preliminary Matters

7. The tenant was not present or represented at the hearing and I was unable to reach her by telephone. 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 the 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 he has been properly served. The landlord submitted an affidavit with her application stating that the tenant was personally served with the application on 17 March 2021. As the tenant was properly served, and as any further delay in these proceedings would unfairly disadvantage the landlord, I proceeded with the hearing in her absence.

8. This is the second application the landlord had filed with this Board concerning this tenancy. As a result of the first application, 2021 No. 146SJ, the tenant had had entered into a mediated agreement with the landlord whereby she had agreed to pay \$5400.00 which was owing in rent for the period ending 31 May 2021. A payment plan was drawn up and it was also agreed that if the tenant failed to make any of the payments, she would vacated the rented premises.

Issue 1: Rent - \$2250.00

Relevant Submissions

9. The landlord testified that she had had entered into a month-to-month rental agreement with the tenant on 05 May 2020, and a copy of that executed agreement was submitted with her application. The agreed rent was set at \$450.00 per month.
10. The landlord testified that the tenant had not complied with the mediated agreement she had entered into in May 2021, as referenced in Preliminary Matters, above, and on 01 November 2021 the tenant was evicted from her unit by the sheriff.
11. With her application, the landlord submitted a copy of the rental ledger, showing the payments the tenant had made since she moved into the unit. According to these records, since the mediated agreement was signed in May 2021, no payments were made by the tenant.
12. The landlord is seeking an order for a payment of \$2250.00 for the 5 months the tenant resided at the unit after she had entered into the mediated agreement in May 2021.

Analysis

13. I accept the landlord's testimony and evidence of the landlord in this matter, and I find that, since May 2021, the tenant had paid no rent to the landlord. As such, I agree with her that the tenant owes \$2250.00 for the period between 01 June through to 31 October 2021, a period of 5 months (5 months x \$450.00 per month).

Decision

14. The landlord's claim for a payment of rent succeeds in the amount of \$2,250.00.

Issue 2: Hearing Expenses

15. The landlord paid a fee of \$20.00 to file this application (L# 4). As her claim has been successful, the tenant shall pay this hearing expense.

Summary of Decision

16. The landlord is entitled to the following:

- A payment of \$2,270.00, determined as follows:

a) Rent Owing	\$2,250.00
b) Hearing Expenses.....	\$20.00
c) Total.....	<u>\$2,270.00</u>

26 September 2022

Date

John R. Cook
Residential Tenancies Tribunal

