

## Residential Tenancies Tribunal

Application 2023 No. 454NL

Decision 23-0454-00

John R. Cook  
Adjudicator

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### Introduction

1. The hearing was called at 9:12 AM on 13 July 2023 via teleconference.
2. The applicants, [REDACTED] and [REDACTED], hereinafter referred to as "landlord1" and "landlord2", respectively, participated in the hearing. The respondent, [REDACTED], hereinafter referred to as "the tenant", was also in attendance.

### Issues before the Tribunal

3. The landlords are seeking the following:
  - An order for a payment of rent in the amount of \$1800.00, and
  - An order for a payment of late fees in the amount of \$75.00.

### Legislation and Policy

4. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.
5. Also relevant and considered in this case is section 15 of the *Residential Tenancies Act, 2018*.

### Issue 1: Rent - \$1800.00

#### Relevant Submissions

##### The Landlords' Position

6. Landlord1 stated that they had entered into verbal rental agreement with the tenant in September 2020. The agreed rent was set at \$1200.00 per month, to be paid semi-monthly, and landlord1 stated that the tenant had paid a security deposit of \$600.00 on 11 October 2020.
7. Landlord1 stated that, on 14 December 2022, she had received a message from the tenant, on Facebook Messenger, indicating that she would be moving at the end of December 2022, and the tenant vacated on 30 December 2022.
8. With their application, the landlords submitted a copy of their rent records. Landlord1 pointed out that, according to these records, the tenant had only paid 1 installment of \$600.00 in rent for each of the months of September 2022, October 2022, and December 2022. In total, the landlords calculate that the tenant owes them \$1800.00 in rent, and they are seeking an order for a payment of that amount.

#### The Tenant's Position

9. The tenant acknowledged that she had only given the landlords a 2-week notice that she would be moving out of the rental unit.
10. The tenant claimed that she was in an “unsafe situation” and she needed to move out the rented premises. She stated that she had found a new place to live, but it was undergoing renovations, and she was only notified in mid-December 2022 that it was ready for her to move into.
11. With respect to the rent that is owing, the tenant did not contest the landlords’ records, and she acknowledged that she owed them \$1800.00.

#### **Analysis and Decision**

12. As it was not disputed that the tenant owes the landlords \$1800.00 for rent, their claim succeeds in that amount.

#### **Issue 2: Late Fees - \$75.00**

13. The landlords have assessed a late fee of \$75.00.

#### **Analysis**

14. Section 15 of the *Residential Tenancies Act, 2018* states:

##### ***Fee for failure to pay rent***

- 15. (1) *Where a tenant does not pay rent for a rental period within the time stated in the rental agreement, the landlord may charge the tenant a late payment fee in an amount set by the minister.*

The minister has prescribed the following:

*Where a tenant has not paid the rent for a rental period within the time specified in the Rental Agreement, the landlord may assess a late payment fee not to exceed:*

- (a) \$5.00 for the first day the rent is in arrears, and*
- (b) \$2.00 for each additional day the rent remains in arrears in any consecutive number of rental payment periods to a maximum of \$75.00.*

15. As the tenant has been in arrears since September 2022, the landlords are entitled to a payment of the maximum fee of \$75.00 set by the minister.

### **Decision**

16. The landlords' claim for late fees succeeds in the amount of \$75.00.

### **Issue 3: Security Deposit**

17. The landlords stated that the tenant had paid a security deposit of \$600.00 on 11 October 2020. As their claim for rent and late fees has been successful, they shall retain that deposit as outlined in this decision and attached order.

### **Summary**

18. The landlords are entitled to a payment of \$1275.00, determined as follows:

- a) Rent Owing ..... \$1800.00
- b) Late Fees ..... \$75.00
- c) **LESS: Security Deposit..... (\$600.00)**
- d) Total Owing to Landlords ..... \$1275.00

24 August 2023

Date

John R. Cook  
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