

Residential Tenancies Tribunal

Application 2023-0585-NL

Decision 23-0585-00

Pamela Pennell
Adjudicator

Introduction

1. Hearing was called at 9:12 a.m. on 24-August-2023.
2. The applicant, [REDACTED], hereinafter referred to as “the tenant”, participated in the hearing. [REDACTED], support for the tenant was also present.
3. The respondent, [REDACTED], hereinafter referred to as “the landlord”, represented by [REDACTED], participated in the hearing.
4. The hearing was held by teleconference.

Preliminary Matters

5. There was a written monthly agreement that commenced on 1-October-2021. Rent is \$600.00 per month, due on the first of each month. A security deposit was never paid.
6. The applicant stated that she served the landlord with the notice of hearing via regular mail on 18-August-2023. The landlord confirmed receiving the document on 22-August. In accordance with the *Residential Tenancies Act, 2018* this is not good service.
7. The landlord stated that he will waive service and proceed with hearing.

Issues before the Tribunal

8. The tenant is seeking:
 - A determination of the validity of a termination notice issued on 22-June-2023.

Legislation and Policy

9. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.

10. Also relevant and considered in this decision are the following sections of the *Residential Tenancies Act, 2018*: Section 18; Notice of termination of rental agreement and Section 34; Requirements of notices.

Issue # 1: Validity of Termination Notice

Relevant Submissions

11. The tenant submitted a copy of a termination notice issued to her on 22-June-2023 to vacate on 31-September-2023 (TT#1).

Analysis

12. The relevant subsections of section 18 of the *Residential Tenancies Act, 2018* state:

Notice of termination of rental agreement

18 (9) In addition to the requirements under section 34, a notice under this section shall

(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.

13. The relevant subsections of section 34 of the *Residential Tenancies Act, 2018* state:

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.

14. I find that the landlord did not meet the requirements of the *Act* when issuing the termination notice. The notice did not state the section of the act under which it was given.

15. I find that the termination notice is not a valid notice

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16. I find the termination notice issued on 22-June-2023 to vacate on 31-September-2023 is not a valid notice.

Issue # 2: Hearing Expenses - \$20.00

17. The tenant paid an application fee of \$20.00 to the Landlord Tenancies Board and provided a copy of the receipt (TT#2).

18. As the tenant's claim has been successful, the landlord shall pay the \$20.00.

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19. The tenant's claim for hearing expenses succeeds in the amount of \$20.00.

Summary of Decision:

20. The termination notice issued on 22-June-2023 is not a valid notice.

21. The landlord shall pay the tenant \$20.00 for hearing expenses.

August 28, 2023

Date

Pamela Pennell, Adjudicator
Residential Tenancies Office