

## Residential Tenancies Tribunal

Application 2024-0153-NL

Decision 24-0153-00

Seren Cahill  
Adjudicator

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### Introduction

1. Hearing was held on 19-March-2024 at 9:08 am.
2. The applicant, [REDACTED] hereinafter referred to as the landlord, was represented by [REDACTED] who attended via teleconference.
3. The respondent, [REDACTED] hereinafter referred to as the tenant, appeared via teleconference.

### Issues before the Tribunal

4. Should the landlord's application for an order of vacant possession succeed?

### 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* (the *Act*).
6. Also relevant and referred to in this decision are sections 18 and 34 of the *Act*, reproduced below:

#### 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.

**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.

**Issue 1: Vacant Possession of the Rental Premises**

- 7. In order to receive an order for vacant possession, a landlord must provide a valid termination notice. For a termination notice to be valid, it must comply with all relevant sections of the *Act*. In this case the landlord provided a copy of the notice (LL#2) issued to the tenant.
- 8. LL#2 is in the form prescribed by the minister. It contains the name and address of the recipient. It identifies the residential premises for which it is given. It identifies that it is a notice under s. 18 for termination without cause. It therefore complies with s. 34 of the *Act*.
- 9. LL#2 has been signed by the landlord's representative who provided it. It was issued on 22-November-2023, eight days before the first day of the relevant rental period, as the rental period in this case runs from the first of the month to the last. It gives a termination date of 29-February-2024, the last day of a rental period. The landlord testified that it was served upon the tenant personally in accordance with s. 35(2)(a) of the *Act*. LL#2 therefore complies with s. 18(9) of the *Act*.
- 10. The landlord testified that this was a month-to-month lease. LL#2 provides three full months' notice, as required under s. 18(2)(b).
- 11. The termination notice complies with are relevant sections of the *Act* and is therefore valid. The tenancy terminated on 29-February-2024. Insofar as the tenant is still residing at the premises, they are doing so illegally.

**Decision**

12. The termination notice is valid. An order of vacant possession will be granted.

**Summary of Decision**

13. The tenant shall vacate the premises immediately.

14. 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.

15. The landlord is granted an order of possession.

10-April-2024

Date



Seren Cahill  
Residential Tenancies Office