

Residential Tenancies Tribunal

Application 2024-0307-NL
Application 2024-0317-NL

Decision 24-0307-00

Oksana Tkachuk
Adjudicator

Introduction

1. Hearing was called at 9:17 a.m. on 22-May-2024.
2. The applicant, [REDACTED], represented by [REDACTED], hereinafter referred to as “the landlord” attended by teleconference.
3. The respondents and counter applicants, [REDACTED] and [REDACTED], represented by authorized representative [REDACTED] (TT#1), hereinafter referred to as “the tenants” attended by teleconference.

Preliminary Matters

4. The landlord’s representative submitted 2 affidavits with their application stating that they had served [REDACTED] with the notice of hearing personally on 2-May-2024 and they served [REDACTED] with the notice of the hearing by giving it to [REDACTED] on 2-May-2024 (LL#1). In accordance with the *Residential Tenancies Act, 2018* this is good service.
5. There is a written fixed term rental agreement which commenced on 5-January-2023 ending on 31-December-2023 which has since converted to a month-to-month agreement under the same terms and conditions (LL#2). Rent is \$1600.00 per month and due on the first of each month. A security deposit of \$1200.00 was paid on 5-January-2023 and is in landlord’s possession.

Issues before the Tribunal

6. The landlord is seeking:
 - An Order for Vacant Possession of the rented premises.
7. The tenants are seeking:
 - Validity of termination notice.

Legislation and Policy

8. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.
9. 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: Validity of Termination Notice and Vacant Possession of the Rented Premises

Relevant Submissions:

10. The landlord's representative submitted a copy of a termination notice issued to the tenants on 5-December-2023 under Section 18: Notice of termination of rental agreement to vacate the premises on 31-March-2024 (LL#3).

Analysis

11. The notice was served under Section 18 of the *Residential Tenancies Act, 2018* which states:

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.*

12. The termination notice submitted by the landlord's representative meets the requirements of not less than 3 months before the end of a fixed term period where residential premises is rented for a fixed term. The landlord's representative stated that the termination notice was served personally to the tenants on 5-December-2023. The tenant's representative agreed that the tenants received the termination notice that day. In accordance with the *Residential Tenancies Act, 2018* as stated above, the termination notice meets the requirements of the Act and is a valid notice.

13. I find that the tenants should have vacated the property by 31-March-2024.

Decision

14. The termination notice is a valid notice. The landlord's claim for an order for vacant possession of the rented premises succeeds.

Summary of Decision

15. The tenants shall vacate the premises immediately.

16. The tenants shall pay to the landlord any costs charged to the landlord by the Office of the High Sheriff should the landlord be required to have the Sheriff enforce the attached Order of Possession.

17. The landlord will be awarded an Order of Possession.

May 30, 2024

Date

Oksana Tkachuk, Adjudicator
Residential Tenancies Office