

Residential Tenancies Tribunal

Application 2024-0323-NL

Decision 24-0323-00

Oksana Tkachuk
Adjudicator

Introduction

1. Hearing was called at 1:47 p.m. on 15-May-2024.
2. The applicant, [REDACTED], represented by [REDACTED], hereinafter referred to as “the landlord” attended by teleconference. Also present was [REDACTED] as a support person.
3. The respondents, [REDACTED] and [REDACTED], hereinafter referred to as “the tenants” attended by teleconference.

Preliminary Matters

4. The landlord submitted 2 affidavits with their application stating that they had served the tenants with the notice of hearing by prepaid registered mail, tracking numbers [REDACTED] and [REDACTED] on 16-April-2024 (LL#1). In accordance with the *Residential Tenancies Act, 2018* this is good service.
5. There is a verbal month to month rental agreement which commenced on 1-July-2009. Rent is \$995.00 per month due on the first of each month. A security deposit of \$225.00 was paid on 1-July-2009.

Issues before the Tribunal

6. The landlord is seeking:
 - An Order for Vacant Possession of the rented premises.
 - Hearing expenses \$49.76.

Legislation and Policy

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

8. 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 and Section 12-1 of the *Residential Tenancies Policy Manual*: Fees.

Issue # 1: Vacant Possession of the Rented Premises

Relevant Submissions:

9. The landlord's representative submitted a copy of a termination notice issued to the tenants on 29-November-2023 under Section 18: Notice of termination of rental agreement to vacate the premises on 29-February-2024 (LL#2).

Analysis

10. 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.

11. The termination notice submitted by the landlord's representative meets the requirements of not less than 3 months before the end of a rental period where residential premises is rented month-to-month. The landlord stated that the termination notice was served personally to the tenants on 29-November-2023. Tenants agreed that they 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.

12. I find that the tenants should have vacated the property by 29-February-2024.

Decision

13. The landlord's claim for an order for vacant possession of the rented premises succeeds.

Issue # 2: Hearing expenses \$49.76

Relevant Submissions:

14. The landlord's representative paid an application fee of \$20.00 to *Residential Tenancies* and provided a copy of the receipt (LL#3). The landlord's representative also incurred postal fees to serve the tenants in the amount of \$29.76 and provided a copy of the receipt (LL#4).

Analysis

15. According to Section 12-001 of the *Residential Tenancies Policy Manual: Costs*, the application fee of \$20.00 and the cost of prepaid registered mail in the amount of \$29.76 will be awarded to the landlord.

Decision

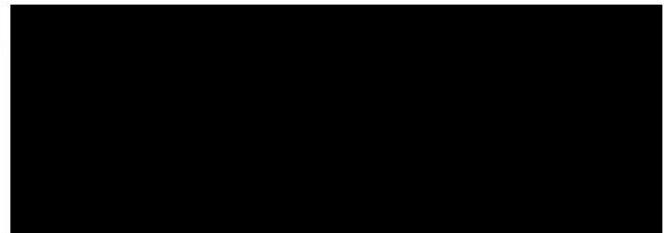
16. The landlord's claim for hearing expenses succeeds in the amount of \$49.76.

Summary of Decision

17. The tenants shall pay the landlord \$49.76 for hearing expenses.
18. The termination notice is a valid notice.
19. The tenants shall vacate the premises immediately.
20. 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.
21. The landlord will be awarded an Order of Possession.

May 17, 2024

Date



Oksana Tkachuk, Adjudicator
Residential Tenancies Office