

Residential Tenancies Tribunal

Application 2024-0378-NL

Oksana Tkachuk
Adjudicator

Introduction

1. Hearing was called at 1:44 p.m. on 3-June-2024.
2. The applicant, [REDACTED], hereinafter referred to as “the tenant” attended by teleconference.
3. The respondent, [REDACTED], hereinafter referred to as “the landlord” attended by teleconference.

Preliminary Matters

4. The tenant did not submit the affidavit with his application, but he stated that he had served [REDACTED] with the notice of hearing electronically by sending it via email; [REDACTED] on 22-May-2024. The landlord confirmed that he had received the notice of the hearing on that date. In accordance with the *Residential Tenancies Act, 2018* this is good service.
5. There is a verbal rental agreement which commenced in April-2008. Rent is \$575.00 per month and due on the fifteenth of each month. A security deposit of \$250.00 was paid in July-2008 and is in landlord’s possession.

Issues before the Tribunal

6. The tenant is seeking:
 - Validity of termination notice.

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.

Issue # 1: Validity of Termination Notice

Relevant Submissions:

9. The tenant submitted copies of two termination notices issued by the landlord:
 - on 12-February-2024 under Section 18: Notice of termination of rental agreement to vacate the rental premises on 31-May-2024 (TT#1);
 - on 19-February-2024 under Section 18: Notice of termination of rental agreement to vacate the rental premises on 30-June-2024 (TT#2).

Tenant's position:

10. The tenant questions the validity of the termination notices.

Landlord's position:

11. The landlord stated that he served the tenant with the latest termination notice electronically by sending it via email; [REDACTED] and by placing it to the tenant's mailbox on 19-February-2024.

Analysis

12. 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.*

13. Upon review, I consider and prioritize the most recent termination notice submitted by the tenant. The termination notice received by the tenant on 19-February-2024 to vacate the rental premises on 30-June-2024 meets the requirements of not less than 3 months before

the end of the rental period after notice was served, where residential premises is rented from month-to-month. 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.

14. I find that the tenant should vacate the property by 30-June-2024.

Decision

15. The termination notice is a valid notice.

Summary of Decision

16. The termination notice dated 19-February-2024 to move out of the residential premises on 30-June-2024 is a valid notice.

17. Tenant shall vacate the premises by 30-June-2024.

June 12, 2024

Date

Oksana Tkachuk, Adjudicator
Residential Tenancies Office