

Residential Tenancies Tribunal

Application 2024-0593-NL

Seren Cahill
Adjudicator

Introduction

1. Hearing was held on 4-September-2024 at 1:51 pm.
2. The applicant, [REDACTED], hereinafter referred to as the landlord, attended via teleconference.
3. The respondent, [REDACTED], hereinafter referred to as the tenant, also attended via teleconference.

Preliminary Matters

4. The respondent waived their right to service.

Issues before the Tribunal

5. Should the landlord's claim for an order of vacant possession be granted?

Legislation and Policy

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

Issue 1: Vacant Possession

Landlord's Position

7. The landlord seeks an order of vacant possession.

Tenant's Position

8. The tenant clearly and unequivocally consented to the granting of an order of vacant possession.

Analysis

9. In order to receive an order of vacant possession a landlord must have issued a valid termination notice. The landlord provided a copy of a termination notice marked LL#1.
10. LL#1 is a written termination notice not in the form prescribed by the minister. However, in accordance with the *Interpretation Act*, RSNL 1990 s. 22(f) where a form is prescribed, deviations from the form not affecting the substance nor calculated to mislead, do not invalidate the form used. Therefore, not being in the form prescribed by the minister does not invalidate LL#1. LL#1 contains the name and address of the recipient. It identifies the residential premises which it regards. It states the section of the *Act* under which it was given. It therefore complies with s. 34 of the *Act*.
11. LL#1 was signed by the person who provided it. It was issued on 8-May-2024, 23 days before the first day of the relevant rental period. It states the date on which the rental agreement is to terminate and that date is the last day of a rental period, 31-August-2024. It was served by registered mail in accordance with s. 35(2)(e) of the *Act*. LL#1 therefore complies with s. 18(9) of the *Act*.
12. LL#1 provides more than three full months notice. It therefore complies with s. 18(2)(b) of the *Act*.
13. LL#1 complies with all relevant sections of the *Act* and is therefore valid.

Decision

14. By the mutual consent of the parties, and as a valid termination notice has been provided and the termination notice has elapsed, an order of vacant possession is hereby issued.

16-September-2024

Date


Seren Cahill
Residential Tenancies Office