

Residential Tenancies Tribunal

Decision 19-0007-04

Michael Greene
Adjudicator

Introduction

1. The hearing was called at 9:30 am on 19 June 2019 at Residential Tenancies Hearing Room, 84 Mt. Bernard Avenue, Lower Level, The Sir Richard Squires Building, Corner Brook, Newfoundland and Labrador.
2. The applicant, [REDACTED], hereafter referred to as landlord1, participated in the hearing. (*Affirmed*)
3. The applicant, [REDACTED], hereafter referred to as landlord2, did not participate in the hearing. (*Absent and Not Represented*)
4. The respondent, [REDACTED], hereafter referred to as tenant1 participated in the hearing. (*Affirmed*)
5. The respondent, [REDACTED], hereafter referred to as tenant2 participated in the hearing. (*Affirmed*)
6. The details of the claim were presented as a written monthly rental agreement with rent set at \$1500.00 per month inclusive of utilities and due on the 1st of each month. It was stated that no security deposit was collected on this tenancy. The tenant vacated the property on 31 May 2019 and the property was re-rented 01 June 2019.
7. In a proceeding under the *Residential Tenancies Act, 2018*, the applicants have the burden of proof. This means the applicants have the responsibility to prove that the outcome they are requesting should be granted. In these proceedings the standard of proof is referred to as the balance of probabilities which means the applicants have to establish that his/her account of events are more likely than not to have happened.

Preliminary Matters

8. The landlord did not provide a letter of authorization permitting him to act on behalf of his wife in this matter and therefore she will be considered absent and not represented.
9. The tenants acknowledged receipt of the Application for Dispute Resolution at the scheduled hearing.

Issues before the Tribunal

10. The landlords are seeking the following:
 - a) Payment of rent owing **\$700.00**

Legislation and Policy

11. The jurisdiction of the Director of Residential Tenancies is outlined in the *Residential Tenancies Act, 2018 (the Act)*, Section 47.
12. Also relevant and considered in this case are Sections 19, 34 and 35 of *the Act*.

Issue 1: Rent Owing - \$700.00

Relevant Submissions

Landlord Position

13. The landlord stated that the tenants did not pay the entire months' rent for the final month of tenancy (May 2019). The landlord testified that they received a payment of \$800.00 on 06 May 2019 leaving a balance of \$700.00 owing. The landlord testified that he was able to secure a new tenant for 01 June 2019 and therefore no lost rent was incurred. The landlord submitted into evidence a copy of the e-transfers received from the tenants (**Exhibit L # 1**).

Tenant Position

14. The tenants in this matter acknowledge that \$700.00 of the final month's rent was not paid to the landlord.

Analysis

15. I have reviewed the testimony and evidence of the landlords and tenants in this matter. As far as I can see, there is one issue here that needs to be addressed: (i) is the rent that is being claimed by the landlords actually owed by the tenants.
16. With respect to the arrears being claimed, I agree with the landlord and tenants in this matter that rent is owed in the amount of \$700.00
17. Records show that rent for the period ending 31 May 2019 is outstanding in the amount of **\$700.00**. Rent for May 2019 then is **\$700.00**.

Decision

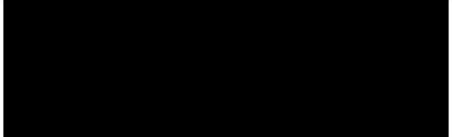
18. The landlords' total claim for rent succeeds as follows:
 - a) Rent owing up to 31 May 2019..... \$700.00

Summary of Decision

19. The landlords are entitled to the following:
 - a) Rent Owing (up to and including 31 May 2019).....\$700.00
 - b) **Total owing to Landlords****\$700.00**

October 28, 2019

Date


Michael Greene
Residential Tenancies Tribunal