

## Residential Tenancies Tribunal

Decision 19-0532-05

John R. Cook  
Adjudicator

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### Introduction

1. The hearing was called at 11:15 am on 19 August 2019 at the Government Service Centre, Motor Registration Building, 149 Smallwood Drive, Mount Pearl, NL.
2. The applicants, [REDACTED] and [REDACTED], hereinafter referred to as "landlord1" and "landlord2", respectively, participated in the hearing. The tenant, [REDACTED], hereinafter referred to as "the tenant", did not participate

### Issues before the Tribunal

3. The landlords are seeking the following:
  - a. An order for a payment of rent in the amount of \$850.00;
  - b. Authorization to retain the \$350.00 security deposit; and
  - c. An order for vacant possession of the rented premises.

### Legislation and Policy

4. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.
5. Also relevant and considered in this case is section 19 of the *Residential Tenancies Act, 2018* and rule 29 of *The Rules of the Supreme Court, 1986*.

### Preliminary Matters

6. The tenant was not present or represented at the hearing and I was unable to reach her by telephone from the hearing room. This Tribunal's policies concerning notice requirements and hearing attendance have been adopted from the *Rules of the Supreme Court, 1986*. According to Rule 29.05(2)(a) a

respondent to an application must be served with claim and notice of the hearing 10 clear days prior to the hearing date and, where the respondent fails to attend the hearing, Rule 29.11(1) states that the hearing may proceed in the respondent's absence so long as she has been properly served. The landlords submitted an affidavit with their application stating that the tenant was personally served with notice of the hearing on 08 July 2019. She has had 41 days to provide a response. As the tenant was properly served, and as any further delay in these proceedings would unfairly disadvantage the landlords, I proceeded with the hearing in her absence.

7. Landlord1 amended their application and stated that they are no longer seeking an order for possession of the rented premises as the tenant vacated on 02 August 2019.

### **Issue 1: Rent - \$850.00**

#### **Relevant Submissions**

8. Landlord1 stated that he had entered into a monthly rental agreement with the tenant on 01 April 2019 and a copy of the executed agreement was submitted with their application (█ #1). The agreed rent was set at \$850.00.
9. In July 2019 the tenant failed to pay her rent and the landlords issued her a termination notice on 08 July 2019. A copy of that notice was submitted with the landlords' application (█ #3). That notice was issued under section 19 of the *Residential Tenancies Act, 2018* (notice where failure to pay rent) and it had an effective termination date of 19 July 2019. The tenant vacated on 02 August 2019.
10. Landlord1 stated that they had received no rent for July 2019 and the landlords are seeking an order for a payment of rent for that month in the amount of \$850.00.

#### **Analysis and Decision**

11. I accept the testimony and evidence of the landlords in this matter and I find that the tenants had not paid rent as required. Based on their testimony, I find that the tenant owes the landlords \$850.00.

### **Issue 2: Security Deposit**

12. With their application, the landlords submitted a copy of a receipt (█ #3) showing that the tenant had paid a security deposit of \$425.00 on 01 April 2019. As the landlords' claim has been successful, they shall retain the security deposit as outlined in this decision and order.

**Issue 3: Hearing Expenses**

13. The landlords paid a fee of \$20.00 to file this application. As their claim has been successful, the tenant shall pay this hearing expense.

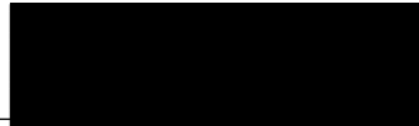
**Summary of Decision**

14. The landlords are entitled to the following:

- a) Rent Owing .....\$850.00
- b) Hearing Expenses.....\$20.00
- c) LESS: Security Deposit..... (\$425.00)
- d) Total Owing to Landlord .....\$445.00

31 December 2019

Date



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