

## Residential Tenancies Tribunal

Decision 19-0668-05

John R. Cook  
Adjudicator

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### Introduction

1. The hearing was called at 11:15 am on 09 October 2019 at the Government Service Centre, Motor Registration Building, 149 Smallwood Drive, Mount Pearl, NL.
2. The applicant, [REDACTED], was represented at the hearing by [REDACTED], hereinafter referred to as “the landlord”. The respondent, [REDACTED], hereinafter referred to as “the tenant”, did not participate.

### Issues before the Tribunal

3. The landlord is seeking the following:
  - a. An order for a payment of rent in the amount of \$1464.00; and
  - b. An order for a payment of hearing expenses in the amount of \$20.00.

### 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) respondents 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 landlord submitted an affidavit with her application stating that the tenant was served with notice of the hearing on 28 August 2019, by registered mail, and 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 landlord, I proceeded with the hearing in her absence.

7. The landlord amended her application and stated that she was now only seeking \$582.00 in rent.

### **Issue 1: Rent - \$582.00**

#### **Relevant Submissions**

8. The landlord stated that she had entered into a monthly rental agreement with the tenant on 19 September 2017 and a copy of that executed agreement was submitted with her application (█ #1). The rent is currently set at \$574.00 per month.
9. The landlord submitted rent records at the hearing showing the payments she had received from the tenant since she last had a zero-balance, November 2018.
10. These records show that, for the most part, the tenant was making regular monthly payments, but there were several months where no rent was received. Accordingly, the tenant had been carrying arrears since the end of 2018.
11. At the end of June 2019, the tenant had a balance of \$316.00. The tenant paid no rent for July or August 2019, and when rent for September 2019 was charged, the arrears had climbed to \$2038.00. The tenant made a payment of \$1500.00 on 04 September 2019, bringing the balance down to \$538.00.
12. Since then, rent for October 2019 has come due, and the tenant made one other payment, \$530.00 on 04 October 2019, leaving a balance of \$582.00.
13. The landlord is seeking an order for a payment of rent in the amount of \$582.00.

#### **Analysis and Decision**

14. I accept the testimony and evidence of the landlord in this matter and I find that the tenant has not paid rent as required. Based on the landlord's submitted rent records, I find that the tenant owes the landlord \$582.00 for the period ending 31 October 2019.

**Issue 2: Hearing Expenses**

15. The landlord submitted a receipt showing that she had paid \$20.00 to file this application. As the landlord's claim has been successful, the tenants shall pay this hearing expense.

**Summary of Decision**

16. The landlord is entitled to the following:

- A payment of \$602.00, determined as follows
  - a) Rent Owing .....\$582.00
  - b) Hearing Expenses.....\$20.00
  
  - c) Total Owing to Landlord .....\$602.00

30 March 2020

\_\_\_\_\_  
Date



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John R. Cook  
Residential Tenancies Tribunal