

Residential Tenancies Tribunal

Decision 19-0832-05

John R. Cook
Adjudicator

Introduction

1. The hearing was called at 1:20 pm on 14 January 2020 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 \$3085.00; and
 - b. 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. I was able to reach him by telephone from the hearing room but he informed me that because of a medical issue, he was unable to participate. 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 he has been properly served. Landlord1 testified that she had personally served the tenant with notice of the hearing on 28 November 2019 and he has had 46 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 his absence.

7. Landlord1 stated that the tenant vacated the rented premises sometime in late November 2019 and I accordingly amended the application and removed the landlords' claim for an order for vacant possession.

Issue 1: Rent - \$3085.00

Relevant Submissions

8. Landlord1 stated that she had entered into a monthly rental agreement with the tenant in October 2018. The agreed rent was set at \$1350.00.
9. The tenant fell into rental arrears shortly after he had moved into the rental unit. Although he did make regular rental payments to the landlords during his tenancy, he was sometimes short on the rent that was required to be paid and the balance owing steadily increased.
10. On 10 October 2019 landlord1 issued the tenant a termination notice and a copy of that notice was submitted with the landlords' application. 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 21 October 2019. Landlord1 stated that the tenant moved out sometime in November 2019.
11. With their application the landlords submitted their rent records showing the payments they had received from the tenants since he had moved in. According to these records, the tenant only paid a total of \$15,140.00 during his 13 month tenancy while the landlords ought to have received \$17,550.00 for the period ending 31 October 2019.
12. The landlords are seeking an order for the difference of these 2 amounts: \$2410.00.

Analysis


13. I accept landlord1's claim that the tenant had not paid rent as required and I accept her evidence which shows that the tenant owes \$2410.00. As such, the landlords' claim succeeds in that amount.

Decision

14. The landlords' claim for a payment of rent succeeds in the amount of \$2410.00.

27 April 2020

Date



John R. Cook

Residential Tenancies Tribunal