

Residential Tenancies Tribunal

Decision 19-0920-05

John R. Cook
Adjudicator

Introduction

1. The hearing was called at 11:15 am on 16 January 2020 at the Government Service Centre, Motor Registration Building, 149 Smallwood Drive, Mount Pearl, NL.
2. The applicant, [REDACTED], hereinafter referred to as “the landlord”, participated in the hearing. The respondent, [REDACTED], hereinafter referred to as “the tenant”, did not participate

Issues before the Tribunal

3. The landlord is seeking an order for a payment of rent in the amount of \$1500.00 and an order for vacant possession of the rented premises.
4. The tenant is seeking the determination of the validity of a termination notice issued to him on 03 December 2019.

Legislation and Policy

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

Preliminary Matters

7. The tenant was not present or represented at the hearing and I was unable to reach him 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 a 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. The landlord submitted an affidavit with her application stating she had personally served the tenant on 30 December 2019 and he has had 16 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 his absence.

8. The landlord amended her application at the hearing and stated that she was no longer seeking an order for possession of the rented premises as the tenant moved out sometime before 14 January 2020.
9. As the tenant did not attend the hearing and as he presented no evidence to the Board in support of his application, I dismissed his application.

Issue 1: Rent - \$1500.00

Relevant Submissions

10. The landlord stated that she had entered into a monthly rental agreement with the tenant in the fall of 2018. The agreed rent was set at \$500.00 per month.
11. On 30 September 2019 she issued the tenant a termination notice, requiring that he vacate on 31 October 2019. He did not move and on 03 December 2019 she issued him a second termination notice, requiring that he vacate by 09 December 2019. The landlord stated that he moved out sometime between 10 January and 14 January 2020.
12. The landlord testified that the tenant had paid no rent for October, November or December 2019 and she is seeking an order for a payment of \$1500.00 for those 3 months.

Analysis

13. I accept the landlord's claim that the tenant had not paid rent as required and that she had received no payments for the period between 01 October and 31 December 2019. As such, her claim succeeds.

Decision

14. The landlord's claim for a payment of rent succeeds in the amount of \$1500.00.

Issue 2: Hearing Expenses

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

Summary of Decision


16. The landlord is entitled to the following:

- a) Rent Owing\$1500.00
- b) Hearing Expenses.....\$20.00

- c) Total Owing to Landlord\$1520.00

28 April 2020

Date



John R. Cook
Residential Tenancies Tribunal