

Residential Tenancies Tribunal

Decision 20-0015-04

John R. Cook
Adjudicator

Introduction

1. The hearing was called at 9:12 am on 01 October 2020 via teleconference.
2. The respondent, [REDACTED], hereinafter referred to as “the tenant”, participated in the hearing.
3. The applicants, [REDACTED] and [REDACTED], hereinafter referred to as “the landlords”, did not participate in the hearing and I was unable to reach them by telephone.

Issues before the Tribunal

4. The landlords are seeking the following:
 - An order for compensation for damages in the amount of \$800.00,
 - An order for a payment of rent in the amount of \$600.00, and
 - Authorization to retain the security deposit of \$500.00.

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*.

Issue 1: Compensation for Damages - \$800.00

Relevant Submissions

The Landlords' Position

6. The landlords did not attend the hearing to present any of their evidence to the Board in support of their claim for an order for compensation for damages.

The Tenant's Position

7. The landlords submitted a rental agreement with their application and the tenant confirmed that he had entered into a 1-year, fixed-term lease with the landlords on 01 May 2019. The agreed rent was set at \$1000.00 per month and it is acknowledged in the lease that the tenant had paid a security deposit of \$500.00.
8. As part of their application, the landlord's were seeking compensation for damage the tenant had caused to the stove that he had been supplied with during his tenancy.
9. The tenant testified that on the first day that he moved into the unit he had pre-heated the oven to 380°F to cook some food and he discovered that the landlords had left some aluminum film in the oven that began to melt. He testified that he contacted the landlords about the matter right away and he was informed by them that this was not an issue as the oven was self-cleaning. He stated that he used the oven for the remainder of the 1-year tenancy and he encountered no issues with the oven

Analysis and Decision

10. As the landlords had not attended the hearing to provide any evidence or argument in support of their claim, their claim fails.

Issue 2 – Rent: \$600.00

Relevant Submissions

The Landlords' Position

11. The landlords did not attend the hearing to present any of their evidence to the Board in support of their claim for an order for a payment of rent.

The Tenant's Position

12. The landlords submitted a rent ledger with their application showing the payments the tenant had made since January 2020. This ledger shows that the tenant had paid the required rent of \$1000.00 for January, February and March 2020, but that he had only paid \$700.00 for the months of April and May 2020, leaving a balance of \$600.00.
13. The tenant testified that the reason he had only paid \$700.00 for those last 2 months was because he had an agreement with the landlords that, because of the financial impact of the COVID-19 pandemic, his rent would be reduced to \$700.00 from \$1000.00. He also claimed that when he informed the landlords that he was terminating their agreement at the end of May 2020, they had even

offered to reduce his rent further, to \$500.00 per month, if he agreed to continue renting the property from them.

Analysis and Decision

- 14. As the landlords had not attended the hearing to provide any evidence or argument in support of their claim, their claim fails.

Issue 3: Security Deposit - \$500.00

Relevant Submissions


- 15. The tenant stated that he had paid a security deposit of \$500.00 to the landlords before he moved into the rented premises and receipt of that deposit is acknowledged in the rental agreement submitted by the landlords. As the landlords' claim for damages and rent has failed, they shall return the full amount of the security deposit to the tenant.

Summary of Decision

- 16. The tenant is entitled to the following:
 - a) Refund of Security Deposit..... \$500.00

15 January 2021

Date



John R. Cook
Residential Tenancies Tribunal