

## Residential Tenancies Tribunal

Decision 20-0044-01

John R. Cook  
Adjudicator

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### Introduction

1. The hearing was called at 11:04 am on 02 October 2020 via teleconference.
2. The applicants, [REDACTED] and [REDACTED], hereinafter referred to as “landlord1” and “landlord2”, respectively, participated in the hearing. The respondent, [REDACTED], hereinafter referred to as “the tenant”, also participated in the hearing. He was represented by his mother, [REDACTED] (“[REDACTED]”).

### Issues before the Tribunal

3. The landlords are seeking the following:
  - An order for a payment of rent in the amount of \$1090.00, and
  - An order for the costs of cleaning in the amount of \$350.00.

### 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*.

### Preliminary Matters

5. Landlord2 amended the claim at the hearing and stated that they were now seeking \$800.00 for the costs of cleaning.

## **Issue 1: Cleaning - \$800.00**

### **Relevant Submissions**

#### The Landlords' Position

6. Landlord2 stated that the tenant had originally moved into rental unit with ■■■ on 01 August 2017. On 01 November 2019 the tenant took over the rental unit as sole leaseholder. The agreed rent was set at \$545.00 and landlord2 stated that rent was being paid on the tenant's behalf by the Department of Advanced Education, Skills and Labour (AESL).
7. Landlord2 stated that on 01 June 2020 he issued the tenant a 3-month termination notice, requiring that he vacate the property by 31 August 2020. But on 01 July 2020, he received notice from Newfoundland Power that the tenant had requested that the electricity account be taken out of his name and on that same day the tenant returned the keys to him.
8. Landlord2 stated that after he regained possession of the property, he discovered that there was a significant amount of garbage left behind in the shed and on the grounds around the house and he submitted 7 photographs with his application showing the condition of the property after the tenant moved out. He pointed out that the tenant had left behind assorted scrap wood and metal, parts for motorcycles, bicycles and lawn mowers, and he found furniture and siding all around the property. He also complained that furniture had been left inside the house.
9. The landlords rented a dumpster from PBO Industrial Disposal Inc. for this garbage and they submitted an invoice showing that they were charged \$161.00 for that rental. They submitted a second invoice from that same company showing that they were charged \$645.66 for the costs removing and disposing of the contents of the dumpster.
10. The landlords are seeking an order for a payment of \$806.66 (\$161.00 + \$645.66) for the costs of cleaning and removing the garbage and debris left behind by the tenant.

#### The Tenant's Position

11. The tenant made no comments on this portion of the landlords' claim.

### **Analysis and Decision**

12. I accept the landlord's evidence in this matter showing that the tenant had left behind a significant amount of garbage and debris at the property and that evidence was not contested by the tenant. As the landlords were charged \$806.66 to have that garbage removed, their claim succeeds in that amount.

## **Issue 2: Rent: \$1090.00**

### **Relevant Submissions**

#### The Landlords' Position

13. Landlord2 stated that they had given the tenant a 3-month termination notice which had an effective termination date of 31 August 2020 and he claimed that, based on that notice, he anticipated that he would receive rent payments up to that date.
14. After the tenant vacated on 01 July 2020, landlord2 stated that he received no more rent from the tenant and the unit sat vacant during the months of July and August 2020. The landlords are seeking an order for a payment of rent for those 2 months in lieu of receiving any termination notice from the tenant and because the unit was in a state of disarray after he had moved out.

#### The Tenant's Position

15. ■ stated that it is very difficult to find rental units in this part of Newfoundland and she claimed that when a new unit became available for 01 July 2020, the tenant had no choice but to move out as there was no certainty that he would find another unit before 31 August 2020.

### **Analysis**

16. It was not contested that the tenant had not given the landlord any indication that he was vacating the unit and the landlord only found out that the tenant had moved on 01 July 2020.
17. Where a tenant does not provide a landlord with a proper notice of termination, the landlord is typically entitled to compensation for any loss of rental income they had suffered in an amount equivalent to the required notice period.
18. As this tenancy was running on a month-to-month basis, the tenant was required to provide the landlord with a 1-month notice that he was terminating his agreement. As the tenant vacated on 01 July 2020 and as the landlords were only made aware of that fact on that day, I find that they are entitled to rent, in lieu of notice, for July 2020: \$545.00.

### **Decision**

19. The landlords' claim for a payment of rent succeeds in the amount of \$545.00.

**Issue 3: Hearing Expenses**

- 20. The landlords submitted a hearing expense claim form and a receipt for \$20.00 for the costs of filing this application. They are also claiming \$122.00 for the costs of hiring a process server and \$56.50 for the costs of having their affidavit of service notarized. Those receipts were not submitted with their application.
- 21. As the landlords' claim has been successful, the tenant shall pay their hearing expenses. The only receipt submitted by the landlords was for the \$20.00 filing fee and their claim therefore succeeds in that amount.

**Summary of Decision**

22. The landlords are entitled to the following:

a) Cleaning .....	\$806.66
b) Rent.....	\$545.00
c) Hearing Expenses .....	\$20.00
d) Total Owing to Landlords.....	<u>\$1371.66</u>

19 January 2021

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Date

  
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John R. Cook  
Residential Tenancies Tribunal