

Residential Tenancies Tribunal

Decision 19-0065-05

Michael Greene
Adjudicator

Introduction

1. The hearing was called at **9:30 am on 14 February 2019** and again at **1:00 pm on 06 March 2019** at Residential Tenancies Hearing Room, 84 Mt. Bernard Avenue, Lower Level, The Sir Richard Squires Building, Corner Brook, Newfoundland and Labrador and via teleconference through the Bell Aliant Teleconference System.
2. The applicant, [REDACTED], hereafter referred to as the tenant, participated in the hearing.
3. The respondent, [REDACTED], hereafter referred to as landlord1, participated in the hearing.
4. The respondent, [REDACTED], hereafter referred to as landlord 2, participated in the hearing.
5. In a proceeding under the *Residential Tenancies Act, 2018* the applicant has the burden of proof. This means the applicant has the responsibility to prove that the outcome they are requesting should be granted. In these proceedings the standard of proof is referred to as the balance of probabilities which means the applicant has to establish that his/her account of events are more likely than not to have happened.

Preliminary Matters

6. The affidavit submitted by the landlord shows that the tenant, [REDACTED], was served with the notice of this hearing on the **05 February 2019** by serving the Application for Dispute Resolution to the tenant personally at the rental premises located at [REDACTED]

7. The affidavit submitted by the tenant shows that the landlord, [REDACTED], was served with the notice of this hearing on the **31 January 2019** by serving the Application for Dispute Resolution to the landlord via text to [REDACTED] and providing verification (copy of sent email) that the Application for Dispute Resolution was sent to this phone number. The landlord has acknowledged receiving the documents and subsequently filed his counterclaim and presented a series of text messages between the landlord and tenant in addition to indicating his number (as above noted) on his application. As such, both parties have been served.
8. The landlord, [REDACTED], was never served by the tenant as the tenant testified that she was not aware that [REDACTED] was her landlord.
9. Given the above service and noting that this hearing was in session for approximately 6 hours in total over two sessions, the parties inadvertently advised the tribunal at the conclusion of the hearing that the tenant had moved from the unit at or about February 25, 2019. The applications sought the following:
 - a. [REDACTED]: Validity of Notice
 - b. [REDACTED]: Vacant Possession of the Property

Given that the tenant vacated the property as requested in the Landlord's Notice to Terminate, there is no basis for this tribunal to issue any of the requested orders. Subsequently, no Order will be issued and both parties shall cover their own hearing expenses in these matters.

Summary of Decision

10. No Order is issued as the tenant vacated the property. The determinations requested becomes a moot point.

March 14, 2019

Date

[REDACTED]
Michael Greene
Residential Tenancies Tribunal