

Residential Tenancies Tribunal

Application 2025-0728-NL

Pamela Pennell
Adjudicator

Introduction

1. Hearing was called at 9:00 a.m. on 15-September-2025.
2. The applicant, [REDACTED], hereinafter referred to as “the tenant” attended by teleconference.
3. The respondent, [REDACTED] was called into the hearing.

Preliminary Matters

4. This tribunal has to decide if there was a residential tenancy relationship between the applicant and the respondents as named on the application.

Issues before the Tribunal

5. The tribunal is required to adjudicate on its jurisdiction.

Legislation and Policy

6. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018*.
7. Also, relevant and considered in this decision is the following section of the *Residential Tenancies Policy*: Section 1-2: Definition of landlord and tenant.

Analysis

8. Section 1-2 of the *Residential Tenancies Policy* states:

Definition of Landlord and Tenant

The relationship of landlord and tenant is a contractual relationship, and it comes into existence when a landlord grants to the tenant the right to use and occupy residential premises in exchange for a payment of rent. A fundamental feature of contractual relationships is that only the parties to the contract may sue or be sued under it.

In order to be considered a tenant, that person must have agreed to pay rent to the landlord in exchange for the right to use and occupy residential premises.

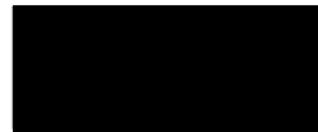
9. In accordance with Section 1-2 of the *Policy* as stated above, I find that the relationship of landlord and tenant **does not** exist between the applicant and the respondents as the applicant sublet a room in the dwelling from another tenant who resides there. The applicant viewed the unit as advertised by the other tenant, paid security deposit and monthly rent to this other tenant for the duration of the tenancy. I accept that the respondents, although the homeowners, were not a party to the rental agreement and as such, were not the landlords.

Decision

10. The claims against the respondents named on the application do not fall under the jurisdiction of the *Residential Tenancies Act, 2018*.

September 16, 2025

Date



Pamela Pennell, Adjudicator
Residential Tenancies Office