

Residential Tenancies Tribunal

Application 2026-0080-NL

Seren Cahill
Adjudicator

Introduction

1. Hearing was held on 26-February-2026 at 9:00 am.
2. The applicants, [REDACTED] and [REDACTED] attended by teleconference.
3. The respondents, the [REDACTED], did not attend.

Preliminary Issues

4. The application originally named as respondents [REDACTED] and [REDACTED]. Nevertheless, the submitted material made clear that their claim was against the [REDACTED] these people represent and not them personally. For instance, the occupancy agreement provided (A#1) was between the applicants and the [REDACTED].
5. The respondents did not attend the hearing. The tribunal was able to successfully contact two of the named representatives who indicated they were able to speak for the [REDACTED]. They explained that they were aware of the hearing and had been served but chose not to attend and suggested the matter was non-jurisdictional to this tribunal. I indicated that I was aware of the jurisdictional issue and would rule on it after hearing submissions from the applicants and, if the respondents wished to attend, I would hear their submissions as well. They declined the opportunity.
6. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act*, 2018 (the *Act*), which allows the Director to hold hearings and issue orders where the *Act* applies. S. 3 of the *Act* outlines the circumstances in which the *Act* applies, with s. 3(4) specifically providing a number of explicit exceptions.
7. S. 3(4)(h) of the *Act* reads as follows:

Application of Act

3. ...

(4) This Act does not apply to

...
(h) living accommodation provided by a co-operative housing corporation to its members or shareholders who use or occupy the living accommodation

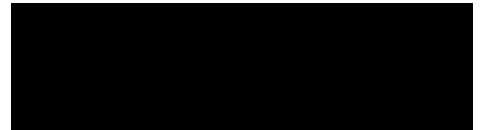
8. The applicants agreed that their claim concerning a living accommodation provided to them by a co-operative housing corporation. They agreed that they occupied the accommodation. They agreed that it was provided to them as members or shareholders. This fits cleanly into the exception created by s. 3(4)(h).
9. The applicants did not provide any argument as to why the exception does not apply.
10. It is the conclusion of this tribunal that this matter is outside the scope of the *Act* and the tribunal's jurisdiction.

Decision

11. The application is hereby dismissed.

6-March-2026

Date



Seren Cahill
Residential Tenancies Office