

Residential Tenancies Tribunal

Application 2026-0423-NL

Seren Cahill
Adjudicator

Introduction

1. Hearing was held on 16-June-2026 at 9:16 am.
2. The applicant, [REDACTED] hereinafter referred to as the landlord, were represented at the hearing by [REDACTED], who attended by teleconference. Also attending from [REDACTED] were [REDACTED]
[REDACTED]
3. The respondent, [REDACTED], hereinafter referred to as the tenant, also attended by teleconference.

Preliminary Issues

4. The respondent was served by registered mail, tracking number [REDACTED] sent to the rental premises on 22-May-2026.
5. This was a written month-to-month lease agreement, with rent set at \$930.00/month due on the 1st of each month and a security deposit of \$250.00.

Issues before the Tribunal

6. Should the landlord's claim for an order of vacant possession succeed?

Legislation and Policy

7. The jurisdiction of the Director of Residential Tenancies is outlined in sections 46 and 47 of the *Residential Tenancies Act, 2018* (the *Act*).
8. Also considered and referred to in this decision are sections 22 and 34 of the *Act*, as follows:

Notice where tenant's obligation not met

22. (1) Notwithstanding subsection 18(2) and paragraph 18(3)(b), where a tenant contravenes statutory condition 2 set out in subsection 10(1), the landlord may give the tenant notice requiring the tenant to comply with the condition.

(2) Where a tenant contravenes statutory condition 2 set out in subsection 10(1) within 3 days after the notice under subsection (1) has been served or within a reasonable time, the landlord may give the tenant notice that the rental agreement is terminated and the tenant is required to vacate the residential premises on a specified date not less than 5 days after the notice has been served.

(3) In addition to the requirements under section 34, a notice under this section shall

- (a) be signed by the landlord;
- (b) state the date on which the rental agreement terminates and the tenant is required to vacate the residential premises; and
- (c) be served in accordance with section 35.

Requirements for notices

34. A notice under this Act shall

- (a) be in writing in the form prescribed by the minister;
- (b) contain the name and address of the recipient;
- (c) identify the residential premises for which the notice is given; and
- (d) state the section of this Act under which the notice is given.

Issue 1: Vacant Possession

- 9. To receive an order for vacant possession, a landlord must provide a valid termination notice. To be valid, the notice must comply with all relevant provisions of the *Act*. The landlord provided the notice L#1.
- 10. L#1 is in writing in the form prescribed by the minister. It contains the name and address of the recipient. It contains the name and address of the recipient. It identifies the residential premises which it regards. It states it was given under s. 22 of the *Act*. It therefore complies with s. 34.
- 11. L#1 is signed by a representative of the landlord. It states the date on which the rental agreement is to terminate. It was served on the tenant by posting it on her door in accordance with s. 35(2)(c) of the *Act*. It therefore complies with s. 22(3).
- 12. The landlord testified that on 12-February-2026 they attended the premises and saw that it was in poor condition. L#2 pages 2-20 show this condition. There is a significant degree of spilled waste and clutter. This is a contravention of statutory condition 2 as set out in subsection 10(1). Subsequently they issued L#3, a notice to clean the premises within five days. On 26-February-2026 they attended the premises again and took more pictures, which were provided as L#2 pages 23-51. The premises remains highly unclean, with some areas appearing unclean to the point of being hazardous (for instance, L#2 page 44). I find this to be a reasonable amount of time as per s. 22(2) of

the Act. L#1 was issued in response to this, after several failed attempts to remedy the situation. L#1 was served on 15-April-2024 and gives a termination date of 22-April-2026, which is not less than 5 days later. It therefore complies with s. 22(2) of the Act.

Decision

13. L#1 complies with all relevant sections of the Act and is therefore valid. The landlord's application for an order of vacant possession succeeds.

Summary of Decision

14. The tenant shall vacate the premises immediately.
15. The tenant shall pay to the landlord any costs charged to the landlord, by the Office of the High Sherriff, should the landlord be required to have the Sheriff enforce the attached Order of Possession.

26-June-2026

Date



Seren Cahill
Residential Tenancies Office