

Residential Tenancies Tribunal

Application 2026-0470-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, was represented at the hearing by [REDACTED], who attended by teleconference.
3. The respondent, [REDACTED] hereinafter referred to as the tenant, did not attend.

Preliminary Issues

4. The tenant was not present or represented at the hearing and I was unable to reach them by telephone at the start of the hearing. This Tribunal's policies concerning notice requirements and hearing attendance have been adopted from the *Rules of the Supreme Court, 1986*. According to Rule 29.05(2)(a) respondents to an application must be served with claim and notice of the hearing 10 clear days prior to the hearing date and, where the respondent fails to attend the hearing, Rule 29.11(1) states that the hearing may proceed in the respondent's absence so long as they have been properly served. The landlord submitted an affidavit (L#1) with their application stating that they had served the tenant with notice of the hearing personally on 30-May-2026 at 11:00 am. As the tenant was properly served, and as any further delay in these proceedings would unfairly disadvantage the landlord, I proceeded with the hearing in their absence.
5. This was a month-to-month lease agreement, with rent set at \$750.00/month due on the 1st of each month and a security deposit of \$325.00.

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 19(1), 19(4), and 34 of the *Act*, as follows:

Notice where failure to pay rent

19. (1) Notwithstanding subsection 18(2) and paragraph 18(3)(b),

(a) where the residential premises is rented from week to week and the amount of rent payable by a tenant is overdue for 3 days or more, the landlord may give the tenant notice that the rental agreement is terminated and that the tenant is required to vacate the residential premises on a specified date not less than 3 days after the notice is served on the tenant; and

(b) where the residential premises is

(i) rented from month to month,

(ii) rented for a fixed term, or

(iii) a site for a mobile home, and

the amount of rent payable by a tenant is overdue for 5 days or more, the landlord may give the tenant notice that the rental agreement is terminated and that the tenant is required to vacate the residential premises on a specified date not less than 10 days after the notice is served on the tenant.

...

(4) 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. In this case the landlord provided L#2, a termination notice dated 7-May-2026.

10. L#2 is written in the form prescribed by the minister. It contains the name and address of the recipient. It identifies the residential premises it regards. It states it was given under s. 19 of the *Act*. It complies with s. 34 of the *Act*.
11. L#2 was signed by the landlord. It gives the termination date on which the tenancy is to end. It was served on the tenant by posting it on their door, in accordance with s. 35(2)(c) of the *Act*. It therefore complies with s. 19(4) of the *Act*.
12. L#2 was issued on 7-May-2026, at which point rent was overdue by more than 5 days. It gives a termination date of 19-May-2026, which is not less than 10 days later. L#2 complies with s. 19(1) of the *Act*.

Decision

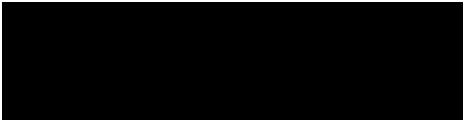
13. L#4 complies with all relevant provisions of the *Act* and is therefore valid. The landlord's application for an order of vacant possessions succeeds.

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.

18-June-2026

Date



Seren Canlin
Residential Tenancies Office