

# FILING AN EVICTION ORDER FACT SHEET

Evictions happen when the tenancy has ended, but the tenant has not moved out. There is no need for an eviction if the tenant has moved out.

The rental officer will hold a hearing to hear from the landlord and tenant and will then decide if the order or orders should be made. The Rental Officer's orders can be appealed to the Supreme Court.

If an eviction order is issued, the landlord has six months to file that order with the Clerk of the Supreme Court if they wish to get a writ of possession. The landlord also has to file:

- an affidavit of service of the eviction order on the tenant, and
- an affidavit stating that the eviction order has not been obeyed.

Once filed, the writ of possession is provided to the sheriff's office. The sheriff will then take steps to carry out the eviction and put the landlord in possession of the rental unit. (sections 63, 86, 86.1, 86.2 and 88.)

## Process for filing an eviction order

After the Rental Officer makes an order evicting a tenant, the rental office serves the tenant with the order. Once service is confirmed, the rental office prepares an affidavit of service.

If the tenant does not move out of the rental premises, the landlord needs to take the following steps to file the order with the Supreme Court and obtain the assistance of the sheriff's office to evict the tenant from the rental premises:

1. The landlord confirms with the rental office that the eviction order has been served on the tenant. The landlord checks to see if the tenant has moved out. If the tenant has not moved out, the landlord can proceed with filing the eviction order.
2. The landlord compiles the following materials required for filing:

### Page 1 - An original copy of an "Affidavit Non-compliance with Eviction Order"

Swearing that the tenant has not complied with the eviction order. This form can be obtained from the court registry office. Fill in all sections but do not sign it.

### Page 2 - Exhibit "A"

A certified true copy of the eviction order, obtained from the rental office.

### Page 3 - Exhibit "B"

A certified true copy of the affidavit of service obtained from the rental office;

### Page 4 - "Backer"

Obtained from the court registry office. Fill in all sections.

Put all four pages in order with the affidavit on top followed by the exhibits A and B and then the "backer". The "backer" should be placed so that you can see the writing when you flip the package over.

3. The landlord takes the documents to a notary public or commissioner for oaths and swears the affidavit and the exhibits (A & B above). The landlord will sign the affidavit, and the notary or commissioner will sign the affidavit and the back of the exhibits to show that they form part of the affidavit.

4. The landlord then completes the Writ of Possession form. This form can be obtained from the court registry office. Fill in all sections on the form and sign it. Don't fill in the signature and date block for the Clerk.
5. The landlord takes all of these original documents to the Clerk of the Supreme Court in the Court Registry office on the third floor of the courthouse in Yellowknife at 4903 - 49th Street. They can also be mailed to:

The Clerk of the Supreme Court  
Box 550  
Yellowknife, NT X1A 2N4

A \$30.00 fee is required to file the order; the fee can be paid by cheque or by visa. If mailing the package please provide a cheque or a number to call for visa information. Originals are required, documents cannot be faxed.

The contact information for the Court Registry in Yellowknife is:

(867) 920-8760  
toll free: 1-866-822-5864

If the package is complete, and the fee is paid, the Clerk of the Supreme Court will sign and date the Writ. The Clerk will then "file the order" and provide the required documents to the Sheriff's office.

6. The Sheriff's office will contact the landlord with information on the eviction and plans for proceeding. The Sheriff will charge a fee for expenses related to carrying out the eviction. You should check with the sheriff's office to get a better idea of the costs. A deposit will likely be required by the Sheriff's office prior to the eviction being carried out.

The landlord makes an application to the rental officer asking him or her to make an order terminating the tenancy and ordering the tenant to leave. The landlord can also apply for an order to evict the tenant if the tenant doesn't leave.

For more information about filing an eviction order, you should read the *Residential Tenancies Act*, especially sections 63, 86 and 88.

**Related fact sheets:**

- Appeals
- Ending a tenancy agreement and evictions