

IN THE MATTER between **AFM HOLDINGS LTD.**, Applicant, and **HELEN LAWSON**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

AFM HOLDINGS LTD.

Applicant/Landlord

- and -

HELEN LAWSON

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 59(1)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as #3 Ravenscourt Trailer Park (4928-43 Street), Yellowknife, NT shall be terminated on May 31, 2002 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of April, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **AFM HOLDINGS LTD.**, Applicant, and **HELEN LAWSON**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

AFM HOLDINGS LTD.

Applicant/Landlord

-and-

HELEN LAWSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 9, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Sandra Lester, representing the applicant
Helen Lawson, respondent

Date of Decision: April 9, 2002

REASONS FOR DECISION

The applicant sought an order terminating the tenancy agreement between the parties pursuant to section 59(1)(c) of the *Residential Tenancies Act*. The rental premises is a lot for a mobile home. The applicant testified that she intends to develop the property as a condominium complex. A development permit has been issued by the City of Yellowknife. The applicant testified that her contractor will be ready to start site work anytime after May 15, 2002 and that the commencement of that work requires vacant possession of the property. She indicated that delay in obtaining possession would result in additional expense. She also testified that she has offered to remove and store the respondent's mobile home at no cost to the respondent.

The applicant filed four applications seeking termination of tenancies to enable the condominium development. Three were withdrawn by the applicant prior to hearing. This application was filed February 1, 2002 and served on the respondent February 5, 2002. The tenancy agreement between the parties is month-to-month agreement.

The respondent testified that she had been unable to secure alternate affordable and suitable accommodation. She requested that the order not be made until adequate premises had been secured, perhaps by June 30, 2002. She indicated that she had made application for seniors housing through the Yellowknife Housing Authority and had not explored other alternatives.

Section 59 of the *Residential Tenancies Act* permits a rental officer to make an order terminating

a month-to-month tenancy agreement on the last day of a month not earlier than 90 days after an application is made by a landlord, where a landlord, in good faith, requires possession of premises for a use other than rental premises.

In my opinion, the application was made in good faith. The Act will permit the making of an order terminating the tenancy agreement, but no earlier than May 31, 2002. The time provided under the Act should be sufficient to enable the respondent to secure alternate accommodation. In my opinion, there are not sufficient grounds to deny the landlord the order requested.

An order shall be issued terminating the tenancy agreement between the parties on May 31, 2002.

Hal Logsdon
Rental Officer