

IN THE MATTER between **DAN MURPHY**, Applicant, and **CHARLES WALSH AND PHYLLIS WALSH**, Respondents;

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:

DAN MURPHY

Applicant/Landlord

- and -

CHARLES WALSH AND PHYLLIS WALSH

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 58(1) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as 6147 Finlayson Drive (bottom floor) shall be terminated on September 30, 2002 and the respondents shall vacate the rental premises on or before that date.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of September, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **DAN MURPHY**, Applicant, and **CHARLES WALSH AND PHYLLIS WALSH**, Respondents.

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:

DAN MURPHY

Applicant/Landlord

-and-

CHARLES WALSH AND PHYLLIS WALSH

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 10, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Dale Vance, representing the applicants

Date of Decision: September 10, 2002

REASONS FOR DECISION

The respondents were served with a Notice of Attendance on August 27, 2002 but failed to appear at the hearing. The hearing was held in their absence.

The application was filed on June 18, 2002 seeking the termination of the tenancy agreement pursuant to section 58(1) of the *Residential Tenancies Act*. This section permits a rental officer to terminate a tenancy agreement when the landlord, in good faith, has entered into an agreement for sale for the rental premises, is required to deliver vacant possession to the purchaser, and where the purchaser intends to use the premises as their own residence. A rental officer may not terminate the tenancy agreement earlier than at the end of a rent period at least 90 days after the application is made or at the end of the term, whichever is earlier.

The applicant provided a copy of the offer to purchase and a letter from the purchaser expressing her intentions to use the premises as her own residence. The tenancy agreement was not provided as evidence and is assumed to be month to month.

I am satisfied that the conditions set out in section 58 have been satisfied and find no reason to deny the applicant an order for the termination of the tenancy agreement on September 30, 2002. I remind the respondents that they may terminate the agreement earlier than September 30, 2002 by giving the landlord at least 5 days notice in writing and by paying the proportionate amount of rent up to that earlier date.

An order shall be issued terminating the tenancy agreement between the parties on September 30, 2002. The respondents shall vacate the rental premises on or before that date.

Hal Logsdon
Rental Officer