

IN THE MATTER between **AURORA COLLEGE**, Applicant, and **MARIE NIZIOL**, 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:

AURORA COLLEGE

Applicant/Landlord

- and -

MARIE NIZIOL

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 57(a) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Apartment 716, 5004 54th Street, Yellowknife, NT shall be terminated on August 31, 2002 and the respondent shall vacate the rental premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of August, 2002.

Hal Logsdon
Rental Officer

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BETWEEN:

AURORA COLLEGE

Applicant/Landlord

-and-

MARIE NIZIOL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 13, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Patrick Young, representing the applicant
Joanne Erasmus, representing the applicant
Marie Niziol, respondent
Sophie Dennis, representing the respondent

Date of Decision: August 13, 2002

REASONS FOR DECISION

The rental premises is an apartment in a student residence which is provided to students of Aurora College in accordance with the College's Student Accommodations Policy. As the living accommodation has self-contained bathroom and kitchen facilities and is available to full-time students year-round, the premises and tenancy agreement are subject to the *Residential Tenancies Act*.

The applicant alleged that the student was no longer eligible to occupy student housing as she had failed to complete her course of studies and was not currently enrolled at the college. The respondent had been asked to vacate on July 26, 2002 but had failed to do so. The applicant sought an order terminating the tenancy agreement.

The College's policy concerning eligibility for student housing states, in part:

The College will provide student accommodation, subject to availability, to out-of-town, full-time students and other family members as listed on the approved form completed upon arrival. The College will only provide accommodation to local students in exceptional circumstances as approved by the Director.

The applicant testified that the respondent had failed to complete her course of studies and was no longer enrolled at the College. She indicated that the respondent would be permitted to complete the failed courses through correspondence at Athabasca University and transfer the credits to Aurora College. Her enrollment at Athabasca University did not constitute enrollment at Aurora College in the opinion of the applicant. The respondent took the position that she

continued to be a student at Aurora College.

In my opinion, the respondent is not a full time student at Aurora College by virtue of her enrollment at another institution or her intent to earn credits at another institution for transfer to Aurora College. In accordance with the policy of Aurora College she no longer meets the eligibility requirements to occupy student housing. Section 57(a) of the *Residential Tenancy Act* states,

57. Where, on the application of a landlord, a rental officer determines that
- (a) a tenant who, as a student or a staff member was provided with living accommodation that is not exempt from this Act by an educational institution, has ceased to meet the requirement for occupancy of the living accommodation

The rental officer may make an order terminating the tenancy on a date specified in the order and ordering the tenant to vacate the rental premises on that date.

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

Hal Logsdon
Rental Officer