

IN THE MATTER between **CINDY DOLYNNY AND DARYL DOLYNNY**,
Applicants, and **ANDREW DEY**, 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:

CINDY DOLYNNY AND DARYL DOLYNNY

Applicants/Landlords

- and -

ANDREW DEY

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 58(1)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as 39 Gold City Court, Yellowknife, NT shall be terminated on May 31, 2003 and the respondent shall vacate the premises on or before that date.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of April,
2003.

Hal Logsdon
Rental Officer

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 8, 2003
<u>Place of the Hearing:</u>	Yellowknife, NT
<u>Appearances at Hearing:</u>	Daryl Dolynny, applicant
<u>Date of Decision:</u>	April 8, 2003

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on March 30, 2003 but failed to appear at the hearing. The hearing was held in his absence.

The applicants sought an order terminating the tenancy agreement between the parties because they wished to use the premises as their own residence. The application was filed on February 26, 2003.

Section 58 of the *Residential Tenancies Act* permits a rental officer to terminate a tenancy agreement on the application of a landlord, where the landlord in good faith requires the rental premises for the purpose of his/her own residence. A rental officer may issue such an order either at the end of a rent period not earlier than 90 days after the application is made or at the end of the tenancy agreement, whichever is earlier.

The applicant stated that the tenancy agreement was made in writing for a term of one year expiring on July 1, 2003.

I have no reason to doubt the intentions of the applicant and the respondent has made no representation requesting more than the minimum time period required by the Act. I see no reason why the earlier date of May 31, 2003 should not be the termination date of the agreement.

An order shall be issued terminating the tenancy agreement between the parties on May 31, 2003.

The respondent may, subject to the provisions of section 58, terminate the agreement earlier by giving at least five days written notice to the landlord and paying the proportionate amount of rent due up to the earlier termination date.

Hal Logsdon
Rental Officer