

IN THE MATTER between **NORTH SLAVE HOUSING CORPORATION**,
Applicant, and **JOE SIMBA AND DENISE KUTSLEA**, 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:

NORTH SLAVE HOUSING CORPORATION

Applicant/Landlord

- and -

JOE SIMBA AND DENISE KUTSLEA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 59(1) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment B, 5313-49 Street, Yellowknife, NT shall be terminated on November 30, 2003 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of October,
2003.

Hal Logsdon
Rental Officer

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-and-

JOE SIMBA AND DENISE KUTSLEA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 2, 2003 continued October 14, 2003

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Bobbi Bulmer, representing the applicant
Roy Desjarlais, representing the applicant
Joe Simba, respondent
Denise Kutslea, respondent

Date of Decision: October 14, 2003

REASONS FOR DECISION

The premises are part of a residential complex which is operated by the applicant as subsidized public housing. The applicant plans to sell the complex and reinvest the proceeds in new housing. The buyer would not operate the complex as subsidized public housing.

At the September 2nd hearing, the respondents indicated that they were in the process of applying for financing to purchase a home. The applicant agreed to an adjournment to October. At the continuation of the hearing in October, the respondents indicated that their financing had been approved and that an offer was pending. The respondents requested that the tenancy be terminated on November 30, 2003 to permit them time to arrange the move.

Normally, when a multi-family residential complex is sold, the new owner simply becomes the landlord and the tenancy agreements remain undisturbed. In this case however, the premises will cease to be subsidized public housing units on sale. The tenants may not be able to afford the market rents.

Section 59 of the *Residential Tenancies Act* permits a rental officer to terminate a tenancy agreement where there is a change of use of a rental premises to a use other than a rental premises. Although these rental premises will likely remain rental premises after the sale, they will not be subsidized public housing units. In my opinion, the change of use provisions can logically be applied to this situation as the subsidized public housing units will undoubtedly be changed to something other than subsidized public housing.

The parties have agreed that November 30, 2003 is a reasonable date to terminate the tenancy agreement. An order shall issue terminating the tenancy agreement on that date.

Hal Logsdon
Rental Officer