

IN THE MATTER between **NOVA BUILDERS INC.**, Applicant, and **GERRY HALUSHKA**, 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:

NOVA BUILDERS INC.

Applicant/Landlord

- and -

GERRY HALUSHKA

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 5015- 52 Street, Yellowknife, NT shall be terminated on April 30, 2005 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of February, 2005.

Hal Logsdon
Rental Officer

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BETWEEN:

NOVA BUILDERS INC.

Applicant/Landlord

-and-

GERRY HALUSHKA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 25, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Vince Dixon, representing the applicant
Joey Day, subtenant of the respondent

Date of Decision: February 2, 2005

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on January 7, 2005 but failed to appear at the hearing. The hearing was held in his absence. The respondent's subtenant attended the hearing but not as a representative of the respondent.

The applicant testified that they had purchased four lots for the development of an office/apartment complex. The existing buildings will be demolished to make way for the proposed development. These premises are currently rented to the respondent who sublets them. The applicant provided a copy of the approved development permit for the project and sought the termination of the tenancy agreement pursuant to section 59 of the *Residential Tenancies Act*.

The rental officer has confirmed with city officials that the final building permit has been approved and will be issued when the developer requests its issuance.

The applicant suggested that the development would not proceed prior to May 1, 2005 and suggested that April 30, 2005 be the termination date.

I find the necessary permits are in place for this development. The application was filed on November 30, 2004 which provides more than the required 90 days between the filing and termination dates. The subtenant is aware that his tenancy agreement will also be terminated by this order.

An order shall issue terminating the tenancy agreement on April 30, 2005.

Hal Logsdon
Rental Officer