

IN THE MATTER between **ROBERT F. MORGAN**, Applicant, and **ALLAN LAFRANCE**, 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:

**ROBERT F. MORGAN**

Applicant/Landlord

- and -

**ALLAN LAFRANCE**

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 premises known as 225 Niven Drive, Yellowknife, NT shall be terminated on November 30, 2007 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 13th day of November, 2007.

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Hal Logsdon  
Rental Officer

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BETWEEN:

**ROBERT F. MORGAN**

Applicant/Landlord

-and-

**ALLAN LAFRANCE**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** November 8, 2007

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Lacey Morgan, representing the applicant  
Mary Lou Morgan, representing the applicant

**Date of Decision:** November 8, 2007

**REASONS FOR DECISION**

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in his absence.

The applicant's representative, his daughter, testified that she had decided to not return to school and that the applicant now required possession of the rental premises for her residence. The applicant sought an order pursuant to section 58(1)(c) of the *Residential Tenancies Act*.

**58. (1) Where, on the application of a landlord, a rental officer determines that the landlord, in good faith,**

- (a) requires possession of a rental premises for the purpose of a residence for the landlord, the spouse, child or parent of the landlord, or a child or parent of the spouse of the landlord, or**
- (b) has entered into an agreement of sale of a residential complex, and**
  - (i) is required by the agreement of sale to deliver vacant possession of a rental premises to the purchaser, and**
  - (ii) the purchaser requires possession of the rental premises for the purpose of a residence for the purchaser, the spouse, child or parent of the purchaser, or a child or parent of the spouse of the purchaser,**

**the rental officer may make an order terminating the tenancy**

- (c) on the last day of a rent payment period not earlier than 90 days after the date the application is made, or**
- (d) at the end of the tenancy agreement,**

**whichever is earlier, and ordering the tenant to vacate the premises on that date.**

The application was filed on August 23, 2007 and the premises are rented month-to-month. I find the application was made in good faith and that the applicant is entitled to an order terminating the tenancy agreement no earlier than November 30, 2007. I find no reason to extend that date.

An order shall issue terminating the tenancy agreement on November 30, 2007. I remind the respondent of his right to give notice for an earlier termination pursuant to section 58(2) of the Act.

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Hal Logsdon  
Rental Officer