

IN THE MATTER between **DENNIS NELNER AND DAVID FIEBELKORN**,  
Applicants, and **VICTORIA GARGAN**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter  
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,  
regarding the rental premises at **FORT SIMPSON, NT**.

BETWEEN:

**DENNIS NELNER AND DAVID FIEBELKORN**

Applicants/Landlords

- and -

**VICTORIA GARGAN**

Respondent/Tenant

**EVICITION ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondent shall be evicted from the premises known as 9910 -103 Avenue, Fort Simpson, NT on November 30, 2012.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of  
November, 2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **DENNIS NELNER AND DAVID FIEBELKORN**,  
Applicants, and **VICTORIA GARGAN**, 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.

BETWEEN:

**DENNIS NELNER AND DAVID FIEBELKORN**

Applicants/Landlords

-and-

**VICTORIA GARGAN**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** November 14, 2012

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

**Appearances at Hearing:** Dennis Nelner, applicant  
David Fiebelkorn, applicant

**Date of Decision:** November 18, 2012

**REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing, there was no confirmation of delivery but the respondent had received a notice from Canada Post on October 26, 2012 that the item was available for pick-up. In my opinion it is not unreasonable to deem the Notice of Attendance served in accordance with section 71(5) of the *Residential Tenancies Act*. The respondent failed to appear at the hearing and the hearing was held in her absence.

The tenancy agreement between the parties will be terminated by order on November 29, 2012 (file # 10-13134, filed on November 19, 2012). In my opinion, the eviction is justified if the respondent remains in possession of the premises after that date.

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Hal Logsdon  
Rental Officer