

IN THE MATTER between **WILSON USHER EMAGALIT**, Applicant, and
MICHAEL RYAN THOMAS AND CARLEENA BREKKE, Respondents;

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 **YELLOWKNIFE, NT**.

BETWEEN:

WILSON USHER EMAGALIT

Applicant/Landlord

- and -

MICHAEL RYAN THOMAS AND CARLEENA BREKKE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 57(c) and 46(2)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 203, 5009 - 52nd Avenue, Yellowknife, NT shall be terminated on May 31, 2013 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 29th day of May,
2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **WILSON USHER EMAGALIT**, Applicant, and
MICHAEL RYAN THOMAS AND CARLEENA BREKKE, 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.

BETWEEN:

WILSON USHER EMAGALIT

Applicant/Landlord

-and-

MICHAEL RYAN THOMAS AND CARLEENA BREKKE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 29, 2013

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Wilson Usher Emagalit, applicant

Date of Decision: May 29, 2013

REASONS FOR DECISION

The respondents were personally served with Notices of Attendance on May 12, 2013 but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by carrying on an illegal activity in the rental premises. The applicant sought an order terminating the tenancy agreement and evicting the respondents. The applicant also submitted that the respondents shared both a kitchen and bathroom with him and that the continuation of the tenancy agreement was unfair to either of them due to personal differences.

The applicant stated that the police raided the apartment on May 8, 2013 with a search warrant and seized quantities of cocaine, cash and scales. He stated he was taken into custody but later released without charge but the respondents were charged with possession and trafficking of a controlled substance.

The applicant stated that the continuation of the tenancy agreement could damage his reputation or implicate him in drug use and/or trafficking.

On the balance of probabilities, I find sufficient evidence to conclude that the respondents were engaged in illegal activities in the premises. I also find that there are sufficient grounds to terminate the tenancy agreement pursuant to section 57(c). Clearly the lifestyle of the tenants is

incompatible with that of the landlord and the continuation of the tenancy agreement is unreasonable for both parties.

An order shall issue terminating the tenancy agreement on May 31, 2013. An eviction order to be effective on June 1, 2013 shall be issued separately.

Hal Logsdon
Rental Officer