

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Dwight Page**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises located within the **of Village of Fort Simpson in the Northwest Territories**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

DWIGHT PAGE

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 rental premises known as Unit 9-2SCO, 9802 - 102 Street, in Fort Simpson, Northwest Territories, on September 30, 2013.

DATED at the City of Yellowknife in the Northwest Territories this 16th day of September 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Dwight Page**, Respondent.

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BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

-and-

DWIGHT PAGE

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REASONS FOR DECISION

Date of the Hearing: September 13, 2013

Place of the Hearing: Fort Simpson, Northwest Territories, via Teleconference

Appearances at Hearing: Kathy Konisenta, representing the Applicant

Date of Decision: September 13, 2013

REASONS FOR DECISION

Application

This Application to a Rental Officer made by Fort Simpson Housing Authority as the Applicant against Dwight Page as the Respondent regarding the rental premises known as Unit #9-2SCO, 9802 - 102 Street, in Fort Simpson, Northwest Territories, was received and filed by the Rental Office on July 26, 2013. The Applicant served a copy of the application package on the Respondent by registered mail deemed served August 20, 2013, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The Applicant sought an eviction order under this application.

Hearing

A hearing was scheduled for September 13, 2013. The Applicant appeared at hearing. The Respondent was served notice of the hearing by personal service on August 30, 2013. The Respondent failed to appear at hearing; the hearing proceeded in the Respondent's absence pursuant to section 80(2) of the Act.

Submissions

The Applicant had obtained three previous orders from the Rental Officer against this Respondent. Rental Officer Order #10-12556 issued January 24, 2012, ordered payment of rental arrears and termination of the tenancy agreement on April 1, 2012, if the rental arrears were not paid in full. Rental Officer Order #10-12932 issued July 17, 2012, ordered payment of additional accumulated rental arrears and compensation for use and occupation of the rental premises since April 1, 2012. Rental Officer Order #10-12932B ordered eviction of the Respondent from the rental premises on July 24, 2012.

The Applicant at hearing testified that, due to an oversight within their office, they had neglected to file the eviction order with the Supreme Court within the legislated six months of issuance to obtain a writ of possession and enforce the order. Citing the tenancy as terminated April 1, 2012, in accordance with the Act, the Applicant wished to regain possession of the premises from the Respondent.

Determinations

Rental Officer Order #10-12556 effectively terminated this tenancy agreement on April 1, 2012, when the Respondent failed to pay the ordered rental arrears. By that order I recognize and accept that the tenancy agreement was terminated in accordance with the Act.

I am satisfied based on the Applicant's testimony that the Respondent remains in current possession of the rental premises contrary to the effective termination of his tenancy agreement on April 1, 2012. I find eviction of the Respondent from the rental premises to be justified.

Order

An order will issue evicting the Respondent from the rental premises on September 30, 2013.

Adelle Guigon
Deputy Rental Officer