

IN THE MATTER between **CL**, Applicant, and **BW and LW**, 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 **Adelle Guigon**, Rental Officer,

BETWEEN:

CL

Applicant/Landlord

-and-

BW and LW

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 16, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CL, Applicant
CS, Purchaser

Date of Decision: July 16, 2019

REASONS FOR DECISION

An application to a rental officer made by CL as the Applicant/Landlord against BW and LW as the Respondents/Tenants was filed by the Rental Office May 28, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The filed application was personally served on the Respondents June 15, 2019.

The Applicant sought an order to terminate the tenancy agreement for the end of the fixed-term due to the sale of the property to purchasers who require vacant possession of the premises. The Applicant also sought an eviction order.

A hearing was scheduled for July 16, 2019, by three-way teleconference. CL appeared as the Applicant. CS appeared as the Purchaser of the property. BW and LW were personally served notices of the hearing June 15, 2019. The Respondents did not appear at the hearing, nor did anyone appear on the Respondents' behalf. The hearing proceeded in the Respondents' absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

Evidence was presented establishing a residential tenancy agreement between the Applicant and Respondents for a fixed term from August 1, 2018, to July 31, 2019. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Sale of the property

Evidence was presented establishing a valid offer to purchase the rental premises which was accepted by the Applicant on April 29, 2019. The Applicant and the Purchaser agreed that the transfer of ownership of the property is scheduled to take effect August 1, 2019. The Purchaser testified that she requires vacant possession of the premises so that she and her family can reside there.

Subsection 58(1)(b) of the Act says:

“58. (1) A landlord may apply to a rental officer to terminate a tenancy if the landlord
...
(b) has entered into an agreement of sale of a rental premises, and
(i) is required by the agreement of sale to deliver vacant possession of the
rental premises to the purchaser, and
(ii) the purchaser requires possession of the rental premises for use by
(A) the purchaser,
...”

I am satisfied the Applicant and Purchaser have entered into an agreement for the sale of the rental premises requiring vacant possession of the rental premises to the Purchaser, and I am satisfied that the Purchaser requires possession of the rental premises for use by herself.

Termination of the tenancy agreement and eviction

Being satisfied that the requirements of subsection 58(1) of the Act have been met, I find termination of the tenancy agreement justified.

The Applicant confirmed that the Respondents currently remain in occupancy of the rental premises without a clear indication of the Respondents' intentions to vacate. I find an eviction order justified.

I will also grant an order for compensation for use and occupation of the rental premises for any days the Respondents remain in the rental premises after July 31, 2019.

Order

An order will issue:

- terminating the tenancy agreement July 31, 2019;
- evicting the Respondents from the rental premises August 1, 2019; and
- requiring the Respondents to pay compensation for use and occupation of the rental premises at a rate of \$49.32 for each day they remain in the rental premises after July 31, 2019, to a maximum of \$1,500 per month.

Adelle Guigon
Rental Officer