

IN THE MATTER between **PF**, Applicant, and **RA**, 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**, Rental Officer, regarding a rental premises located within the **city of Yellowknife in the Northwest Territories**;

BETWEEN:

PF

Applicant/Landlord

- and -

RA

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to paragraph 57(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate September 30, 2021, and the Respondent must vacate the rental premises on or before that date.
2. Pursuant to paragraph 63(4)(a) of the *Residential Tenancies Act*, the Respondent will be evicted from the rental premises known as 5113 - 48 Street in Yellowknife, Northwest Territories, on or after October 1, 2021.

DATED at the city of Yellowknife in the Northwest Territories this 24th day of August 2021.

Adelle Guigon
Rental Officer

IN THE MATTER between **PF**, Applicant, and **RA**, 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**, Rental Officer;

BETWEEN:

PF

Applicant/Landlord

-and-

RA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 20, 2021

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: PF, the Applicant

Date of Decision: August 24, 2021

REASONS FOR DECISION

An application to a rental officer made by PF as the Applicant/Landlord against RA as the Respondent/Tenant was filed by the Rental Office June 29, 2021. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was personally served on the Respondent August 6, 2021.

The Applicant requested an order to terminate the tenancy due to his increased need for daily assisted living in his home.

The application was considered by written submission. The Applicant was served with the notice of hearing by written submission by registered mail signed for July 20, 2021. The Respondent was personally served with the notice of hearing by written submission on August 6, 2021. The Applicant made no further submissions than what was provided in the application. The Respondent made no written submissions.

Tenancy agreement

Inference was made in the application to a residential tenancy agreement between the parties, although no start date was referenced. The rental premises appears to be one bedroom in the Applicant's home with shared bathroom and kitchen facilities. On a balance of probabilities, I am satisfied a valid tenancy agreement is in place between the parties on a month-to-month basis in accordance with the *Residential Tenancies Act*.

Termination of the tenancy

Paragraph 57(c) of the Act provides for the Landlord to make an application to a rental officer for an order to terminate the tenancy where the Landlord and Tenant share a bathroom or kitchen facility and have had personal differences that make the continuation of the tenancy unfair to either of them.

The Applicant submitted that due to his age he is approaching a time when he may need assistance to carry on with his day-to-day living. The Applicant recognizes that it would be unfair to impose such a burden on his younger tenants. The Applicant has made arrangements with another couple who are long-time friends to share his living accommodations and provide the care and assistance he needs.

In the circumstances, I agree that continuation of the tenancy would be unfair to both parties: to the Applicant because it would deprive him of the assistance he needs in his advancing age and to the Respondents because their enjoyment of the premises could be unduly interrupted by the Applicant's needs. I am satisfied termination of the tenancy is justified. For the sake of prudence, an eviction order will also issue.

Orders

An order will issue terminating the tenancy September 30, 2021, and evicting the Respondent from the rental premises October 1, 2021.

Adelle Guigon
Rental Officer