

IN THE MATTER between **CW and KW**, Applicants, and **VM**, 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:

CW and KW

Applicants/Landlords

-and-

VM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 20, 2021

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CW, Applicant
KW, Applicant

Date of Decision: December 20, 2021

REASONS FOR DECISION

An application to a rental officer made by CW and KW as the Applicants/Landlords against VM as the Respondent/Tenant was filed by the Rental Office November 12, 2021. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Smith, Northwest Territories. The filed application was served on the Respondent by email deemed received December 4, 2021, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The Applicants requested an order terminating the tenancy so they could use the premises as a residence for their daughters.

The application was considered by written submission. The Applicants were served with the notice of hearing by written submission by registered mail signed for November 30, 2021. The Respondent was served with the notice of hearing by written submission by email deemed received December 4, 2021. The Applicant made no further submissions than what was provided in the application. The Respondent made no written submissions.

Tenancy agreement

Evidence was provided establishing a residential tenancy agreement between the parties for a fixed-term commencing October 31, 2021, and ending January 31, 2022. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Termination of the tenancy and eviction

Subparagraph 58(1)(a)(ii) of the Act provides for a landlord to apply to terminate a tenancy where the landlord requires possession of the rental premises for use as a residence by the spouse, child, or parent of the landlord.

In their application, the Applicants explained that they had purchased the property and agreed to the fixed-term tenancy with the existing Tenant. The Applicants had notified the Tenant at that time that they did not intend to extend the tenancy beyond the fixed-term date as they required the premises for their daughters to reside in. In the application, the Applicants reiterated that they intended to renovate the property and permit their daughters to reside there, and that they would not be using the property as a rental premises after January 31, 2022.

I am satisfied the Landlords in good faith require possession of the rental premises for use as a residence by their children. Where the Rental Officer is satisfied under subparagraph 58(1)(a)(ii) of the Act, the Rental Officer may order the termination of a fixed-term tenancy for the last day of the fixed-term under subparagraph 58(1.1)(a)(ii) of the Act. In this case, the last day of the fixed-term is January 31, 2022.

Orders

An order will issue terminating the tenancy January 31, 2022, and evicting the Respondent from the rental premises February 1, 2022 (sp. 58(1.1)(a)(ii), p. 63(4)(a)).

Adelle Guigon
Rental Officer