

IN THE MATTER between **HEATHER STEWART (KENDI)**, Applicant, and **902754 NWT LIMITED**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **INUVIK, NT**.

BETWEEN:

HEATHER STEWART (KENDI)

Applicant/Tenant

- and -

902754 NWT LIMITED

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of March, 2003.

Hal Logsdon
Rental Officer

IN THE MATTER between **HEATHER STEWART (KENDI)**, Applicant, and **902754 NWT LIMITED**, 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 **Hal Logsdon**, Rental Officer.

BETWEEN:

HEATHER STEWART (KENDI)

Applicant/Tenant

-and-

902754 NWT LIMITED

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: March 4, 2003

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Talal Khatib, representing the respondent

Date of Decision: March 4, 2003

REASONS FOR DECISION

The applicant alleged that the respondent took possession of the premises on October 1, 2002 and removed her personal goods. She sought an order requiring the respondent to return the personal goods allegedly removed from the premises and requiring the respondent to pay compensation for loss related to the alleged disturbance of her possession of the premises. The applicant provided a list of the goods which were allegedly removed from the premises.

The respondent testified that the premises were rented to Andrew and Suzi Kendi who gave notice and vacated the premises. He indicated that he had personal goods in storage and would return them to the owner without cost. He also indicated that he had agreed to enter into a tenancy agreement with the applicant for other premises but had never entered into an agreement for the premises located at 13 Inuit Road.

The applicant indicated that she had paid rent for the premises at 13 Inuit Road and was in possession of the premises.

The rental officer adjourned the hearing to investigate the matter. The rental officer collected evidence of rent paid on the applicant's behalf by the Income Support Program and provided the evidence to both parties, inviting them to respond to it as they wished prior to the continuance of the hearing. A continuance of the hearing was set for March 4, 2003 and Notices of Attendance

were served on both parties. A Notice of Attendance was served on the applicant by registered mail at the address provided by the applicant and confirmed delivered by Canada Post. The applicant failed to appear at the continuation of the hearing.

In my opinion, there is no requirement to issue an order requiring the respondent to return the personal goods to the applicant. The respondent has agreed to do so without charge. In the matter of compensation for disturbance of the applicant's possession of the premises, I must dismiss the matter as the applicant failed to appear at the continuation of the hearing.

Hal Logsdon
Rental Officer