

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **ARVIN LANDRY AND ALISSA PALONGAYAK**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

ARVIN LANDRY AND ALISSA PALONGAYAK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 59(1)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 113, 5600 52nd Avenue, Yellowknife, NT shall be terminated on September 30, 2005 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of September, 2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **ARVIN LANDRY AND ALISSA PALONGAYAK**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

809656 ALBERTA LTD.

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-and-

ARVIN LANDRY AND ALISSA PALONGAYAK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 23, 2005 continued September 15, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Tara Sheppard, representing the applicant
Alissa Palongayak (August 23 only)

Date of Decision: September 15, 2005

REASONS FOR DECISION

This matter was adjourned on August 23, 2005 to September 15, 2005. The parties were advised of the date, time and place that the hearing would be continued. The respondent failed to appear at the continuance of the hearing and the hearing was held in her absence

The applicant seeks the termination of the tenancy agreement due to the planned conversion of the rental premises to condominiums. The application was filed by the landlord on June 30, 2005. The applicant has obtained the necessary development and building permits and is preparing vacant units for sale. The landlord's legal counsel advises that the condominium plan and bylaws have been prepared and will be registered in the near future. A change in the mortgagee has delayed registration but there are no perceived impediments to future registration. The realtor advises that over 50% of the units have been pre-sold on unconditional offers to purchase. The evidence suggests that the application was made in good faith and the conversion to condominiums will proceed.

Section 59 of the *Residential Tenancies Act* permits the termination of a tenancy agreement on the last day of a rent period no earlier than 90 days after the application was made or at the end of the term of the tenancy agreement, whichever is earlier. I have heard no representations from the tenant as to why September 30, 2005 would not be a reasonable termination date. The applicant advises that although the respondents have not given notice, it appears they are in the process of vacating the premises.

An order shall issue terminating the tenancy agreement on September 30, 2005. The tenants should note the provisions of section 59(3) of the *Residential Tenancies Act* which permit them to make application for a refund of part of the September rent (assuming it has been paid) if they give at least five days notice to terminate before September 30.

Hal Logsdon
Rental Officer