

IN THE MATTER between **YELLOWKNIFE DAIRIES LTD. O/A YKD PROPERTY MANAGEMENT**, Applicant, and **CAROL CARLSON AND DANIEL CARLSON**, Respondents;

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

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE DAIRIES LTD. O/A YKD PROPERTY MANAGEMENT

Applicant/Landlord

- and -

CAROL CARLSON AND DANIEL CARLSON

Respondents/Tenants

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondents shall be evicted from the premises known as Apartment 6, 486 Range Lake Road, Yellowknife, NT on December 31, 2011.

DATED at the City of Yellowknife, in the Northwest Territories this 24th day of November, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE DAIRIES LTD. O/A YKD PROPERTY MANAGEMENT**, Applicant, and **CAROL CARLSON AND DANIEL CARLSON**, 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.

BETWEEN:

YELLOWKNIFE DAIRIES LTD. O/A YKD PROPERTY MANAGEMENT

Applicant/Landlord

-and-

CAROL CARLSON AND DANIEL CARLSON

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 23, 2011

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lorena Shalala, representing the applicant
Jennifer Eggenberger, representing the applicant
Carol Carlson, respondent

Date of Decision: November 23, 2011

REASONS FOR DECISION

The tenancy agreement between the parties was terminated by order on November 17, 2010 when the respondent failed to pay the outstanding rent on or before that date (file #10-11787, filed on November 17, 2010). The applicant stated that they permitted the respondent to overhold but took no action to reinstate the tenancy agreement or enter into a new agreement.

The applicant provided a statement of payments which indicated that the respondent did pay off all of the arrears on December 8, 2010. The statement also indicates that since that date the respondent has failed to pay any monthly payments on time. The respondent has, however, managed to make payments within the month they are due except for March, June and August, 2011. The respondent has a current credit balance of \$67.97.

The respondent did not dispute the allegations and stated that she was doing everything within her means to make payments. She acknowledged that payments were not made on time but stated that she was trying to pay them within the month they were due.

The applicant stated that she has been very tolerant with the respondents but is no longer willing to accept the persistent late payments and the possibility of the respondents falling into serious arrears as they have done in the past.

Section 63(4) permits a rental officer to issue an eviction order when two conditions are met.

63.(4) A rental officer who terminates a tenancy or determines that a tenancy has been terminated in accordance with this Act, and who determines that an eviction is justified, may make an order

(a) evicting the tenant on the date specified for the termination of the tenancy in the agreement, notice or order, or on the earliest reasonable date after the date of termination of the tenancy; and

(b) requiring the tenant to compensate the landlord for the use and occupation of the rental premises, calculated for each day the tenant remains in occupation following the termination of the tenancy.

The tenancy agreement has been terminated by order in accordance with the Act. I find no evidence that a new tenancy agreement had been formed or that the former agreement has been reinstated. In my opinion the eviction is justified. The respondents continue to be in possession of the premises and the monthly compensation for use and occupation of the premises has not been paid in a timely manner.

An eviction order to be effective on December 31, 2011 shall be issued.

Hal Logsdon
Rental Officer