

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and  
**ROBERT SHINGATOK**, Respondent;

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 **INUVIK, NT.**

BETWEEN:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

- and -

**ROBERT SHINGATOK**

Respondent/Tenant

**EVICITION ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondent shall be evicted forthwith from the premises known as SY305, 8 Centennial Street, Inuvik, NT.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of  
November, 2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and  
**ROBERT SHINGATOK**, 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:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

-and-

**ROBERT SHINGATOK**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 30, 2012**

**Place of the Hearing:**                      **Inuvik, NT via teleconference**

**Appearances at Hearing:**                      **Diana Tingmiak, representing the applicant**

**Date of Decision:**                      **November 1, 2012**

### **REASONS FOR DECISION**

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in his absence.

The premises are subsidized public housing. The parties entered into a term tenancy agreement commencing on June 1, 2012 and ending on June 30, 2012. The applicant stated that the respondent had repeatedly disturbed other tenants in the residential complex. A notice was served on the respondent on June 12, 2012 stating that the tenancy agreement would not be renewed. No new tenancy agreement was formed after June 30, 2012.

The applicant sought an eviction order and an order requiring the respondent to pay compensation for use and occupation of the rental premises after June 30, 2012.

Section 51(4) of the *Residential Tenancies Act* sets out the following provision for termination of a tenancy agreement for public housing made for a term of 31 days or less:

- 51. (3) Where a tenancy agreement for subsidized public housing specifies a date for termination of the agreement, the landlord may terminate the tenancy on the date specified in the agreement by giving the tenant a notice of termination not later than 30 days before that date.**
- (4) Notwithstanding subsection (3), where a tenancy agreement for subsidized public housing specifies a date for termination of the agreement that is 31 days or less after the commencement of the agreement, it terminates on the specified date.**

The Act does not require a reason or a notice pursuant to section 51(4).

In order to issue an eviction order a rental officer must be satisfied that the tenancy agreement has been terminated in accordance with the Act and that the eviction is justified. Section 63(4) outlines these two tests.

**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.**

In this matter, I find that the tenancy was terminated in accordance with the provisions of section 51(4) of the Act. The applicant's testimony concerning repeated disturbances, undisputed by the respondent, is sufficient justification for eviction.

An order shall issue evicting the respondent forthwith. An order regarding the compensation for use and occupation shall be issued separately.

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Hal Logsdon  
Rental Officer