

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **RITA AODLA AND CHUCK AODLA**, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

RITA AODLA AND CHUCK AODLA

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 204, 42 Con Road, Yellowknife, NT forthwith.

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of April, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **RITA AODLA AND CHUCK AODLA**, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

RITA AODLA AND CHUCK AODLA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: April 3, 2013

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Connie Diener, representing the applicant

Date of Decision: April 3, 2013

REASONS FOR DECISION

The respondents were personally served with Notices of Attendance on March 16, 2013 but failed to appear at the hearing. The hearing was held in their absence.

The tenancy agreement between the parties was terminated by order on July 31, 2012 when the respondents failed to pay the ordered rent arrears (file #10-12901, filed on July 5, 2012). An eviction order that became effective on August 1, 2012 was also issued.

Subsequently the applicant filed another application seeking termination and eviction and further monetary relief. There was no evidence that the tenancy had been reinstated. The previous eviction order was still enforceable. An order requiring the respondents to pay compensation for use and occupation of the premises was issued (file #10-13167, filed on December 11, 2012).

The applicant again seeks additional monetary relief, termination of the tenancy agreement and eviction. The applicant stated that the tenancy agreement has not been reinstated. The applicant stated that the previous eviction order had not been filed with the Supreme Court. Therefore the previous eviction order has expired.

I shall issue another eviction order as the tenancy agreement has been terminated in accordance with the Act and the respondents are still in possession. The justification of the eviction has already been established. The eviction order shall become effective forthwith.

The applicant's request for additional monetary relief is denied. The applicant has orders for rent arrears and compensation for lost rent to January 2013. The additional losses they seek are entirely of their own making and could have been eliminated by evicting the tenants when they had a valid order to do so. The applicant has failed to mitigate their losses and in my opinion any additional compensation for use and occupation is totally unwarranted.

Hal Logsdon
Rental Officer