

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Charlene Klengenberg**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding rental premises located within the **City of Yellowknife in the Northwest Territories**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

CHARLENE KLENGENBERG

Respondent/Tenant

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, the tenant shall be evicted from the premises known as Apartment 318 at 492 Range Lake Road in Yellowknife, Northwest Territories, on May 14, 2013, unless rental arrears in the amount of four thousand seventy-one dollars and forty-one cents (\$4,071.41) have been paid in full on or before May 13, 2013.
2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the tenant shall 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.

DATED at the City of Yellowknife in the Northwest Territories this 30th day of April 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Charlene Klengenberg**, 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

CHARLENE KLENGENBERG

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 24, 2013

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: Connie Diener for the Applicant

Date of Decision: April 24, 2013

REASONS FOR DECISION

Application

The application package submitted by the Applicant/Landlord was received and filed by the Rental Office on February 27, 2013, respecting a tenancy agreement for Apartment 318 at 492 Range Lake Road in Yellowknife, Northwest Territories. The Applicant personally served a copy of the filed application on the Respondent on March 5, 2013.

The application indicated that the Applicant was seeking, among other things, an eviction order pursuant to section 63 of the *Residential Tenancies Act*.

Hearings

A hearing on this application was originally scheduled for April 3, 2013, for which notices were served on the Applicant personally on March 18, 2013, and on the Respondent by registered mail sent March 18, 2013. The Rental Officer confirmed receipt of the notice by the Respondent on April 2, 2013.

Both the Applicant and the Respondent were present at the hearing on April 3, 2013, before Rental Officer Hal Logsdon. At that time, the Respondent requested an adjournment in order to seek legal counsel. The Rental Officer granted the application for adjournment.

Subsequent notices regarding the April 24th hearing date were served on the Applicant in person on April 10, 2013, and on the Respondent by registered mail sent on April 9, 2013. The notice was signed for as received by the Respondent on April 15, 2013.

On April 24, 2013, Ms. Connie Diener appeared representing the Applicant. Neither the Respondent nor any representative for the respondent appeared. As all required notices were confirmed delivered and the Respondent was aware of the adjournment of this hearing to this date, the hearing proceeded in her absence.

Submissions

The Applicant confirmed that they were seeking, among other things, an order for eviction of the tenant from the rental premises. The other matters to be dealt with at this hearing were regarding rental arrears, late payment penalties, and termination of the tenancy, all of which were granted by order under Rental Office File No. 10-13374. Termination of the tenancy was ordered effective May 13, 2013, unless rental arrears were paid in full.

Determinations

Section 63(4) of the *Residential Tenancies Act* allows a Rental Officer who terminates a tenancy, and determines that an eviction is justified, to make an order evicting the tenant “on the earliest reasonable date after the date of termination of the tenancy” and “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”. I have issued an order terminating this tenancy on May 13, 2013, unless rental arrears have been paid in full. The amount of rental arrears account for approximately 2.5 months of rent. I also found that amounts that were paid for rent over the course of the tenancy were repeatedly late in being made.

Order

In consideration of the evidence that has been brought before me and in conjunction with the termination of this tenancy, an eviction order shall be made effective May 14, 2013, if the rental arrears have not been paid in full by May 13, 2013. The order will also direct that the tenant compensate the landlord for any days the tenant remains in use and occupation of the rental premises after the termination date ordered for the tenancy.

Adelle Guigon
Deputy Rental Officer