

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

BETWEEN:

NPR Limited Partnership

Applicant/Landlord

- and -

Joseph Landry

Respondent/Tenant

EVICTON 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 307, 4905 - 54 Avenue, in Yellowknife, Northwest Territories, on July 16, 2013, unless rental arrears in the amount of \$3,180 (three thousand one hundred eighty dollars) have been paid in full on or before July 15, 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 23rd day of May 2013.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Joseph Landry**,
Respondent.

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:

NPR Limited Partnership

Applicant/Landlord

-and-

Joseph Landry

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 17, 2013

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: Connie Diener, representing the Applicant
Maigan LeFrancois, representing the Applicant
Joseph Landry, Respondent

Date of Decision: May 17, 2013

REASONS FOR DECISION

Application

This application to a Rental Officer was filed by the Rental Office on March 25, 2013, regarding a tenancy agreement for Apartment 307, 4905 - 54 Avenue, in Yellowknife, Northwest Territories. The Applicant served a copy of the filed application on the Respondent on April 2, 2013.

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

Hearing

A hearing was scheduled for May 3, 2013, before Rental Officer Hal Logsdon, to which the Applicant appeared. The Respondent was sent a notice of hearing by registered mail sent April 16, 2013, which was deemed served on April 23, 2013, pursuant to s. 71(5) of the RTA. The Respondent failed to appear for the hearing and the matter was adjourned.

A subsequent hearing was scheduled for May 17, 2013, before Deputy Rental Officer Adelle Guigon, to which both the Applicant and the Respondent appeared.

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. 10-13433. Termination of the tenancy was ordered effective July 15, 2013, unless rental arrears were paid in full.

Determination

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 July 15, 2013, unless rental arrears have been paid in full. The

amount of rental arrears account for approximately 1.8 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. I find that an eviction order in these circumstances is appropriate and justified if the rental arrears have not been paid in full.

Order

An eviction order shall issue effective July 16, 2013, if the rental arrears have not been paid in full by July 15, 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