

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and
Clarence Robert, 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 Hamlet of Fort McPherson in the Northwest
Territories**.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

CLARENCE ROBERT

Respondent/Tenant

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the Respondent/Tenant shall be evicted from the premises known as Unit 0107 John Tetlich Drive in Fort McPherson, Northwest Territories, on June 16, 2013.
2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the Respondent/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 31st day of May
2013.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and
Clarence Robert, 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:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

-and-

CLARENCE ROBERT

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 29, 2013
<u>Place of the Hearing:</u>	Fort McPherson, Northwest Territories, via Teleconference
<u>Appearances at Hearing:</u>	Shirley Wilson, representing the Applicant Elizabeth Firth, representing the Applicant
<u>Date of Decision:</u>	May 29, 2013

REASONS FOR DECISION

Application

The application package submitted by the Applicant regarding Unit 0107 John Tetlich Drive in Fort McPherson, Northwest Territories, was filed by the Rental Office on March 21, 2013. The Applicant served a copy of the filed application package on the Respondent by registered mail sent April 8, 2013, deemed served pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) on April 15, 2013.

The application package indicated the Applicant was seeking, among other things, eviction of the tenant from the premises and compensation for use and occupation of the premises after termination of the tenancy.

Hearing

A hearing was scheduled for May 29, 2013, for which notices were sent by registered mail to the parties on May 3, 2013. The Applicant appeared at hearing, represented by Ms. Shirley Wilson and Ms. Elizabeth Firth. The Respondent signed for their notice on May 8, 2013. The Respondent did not appear and was not represented at hearing. The hearing proceeded in the Respondent's absence.

Submissions

The Applicant confirmed that they were seeking, among other things, an order for eviction of the tenant from the rental premises and compensation for use and occupation of the premises after termination of the tenancy. The other matters to be dealt with at this hearing were regarding rental arrears and termination of the tenancy, which were both granted by order under Rental Office File No. 20-13422. Termination of the tenancy was ordered effective June 15, 2013.

The Applicant submitted at hearing that the tenant's repeatedly late payment of rent was unacceptable and could not be supported. The Applicant further submitted that the emergency call out of November 11, 2012, represented a lack of care for the condition of the unit by the tenant. The Applicant believed an eviction order would be necessary to ensure the tenant vacated the unit upon termination of the tenancy.

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 June 15, 2013, and requiring the tenant to pay rental arrears in the amount of \$133. The rental arrears represent two months' rent. I found that the tenant was repeatedly late in paying his rent. I also accept that the incident with smoke in the unit on November 11, 2012, suggests a lack of respect for the condition of the unit by the tenant. I find that an eviction order in these circumstances is justified.

Order

An order will issue for eviction of the tenant from the rental premises on June 16, 2013, and for the tenant to compensate the landlord for use and occupation of the premises after the termination date of the tenancy.

Adelle Guigon
Deputy Rental Officer