

IN THE MATTER between **Hay River Mobile Home Park Ltd.**, Applicant, and **Brenda Matto**, 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 Town of Hay River in the Northwest Territories**.

BETWEEN:

**HAY RIVER MOBILE HOME PARK LTD.**

Applicant/Landlord

- and -

**BRENDA MATTO**

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 rental premises at 51-61 Woodland Drive in Hay River, Northwest Territories, on June 14, 2013.
2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the Respondent/Tenant shall compensate the Applicant/Landlord for the use and occupation of the rental premises, calculated for each day the tenant remains in occupation of the rental premises following the termination of the tenancy.

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of June 2013.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Hay River Mobile Home Park Ltd.**, Applicant, and  
**Brenda Matto**, 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:

**HAY RIVER MOBILE HOME PARK LTD.**

Applicant/Landlord

-and-

**BRENDA MATTO**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>June 7, 2013</b>
<b><u>Place of the Hearing:</u></b>	<b>Hay River, Northwest Territories, via Teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Michelle Schaub, representing the Applicant</b>
<b><u>Date of Decision:</u></b>	<b>June 7, 2013</b>

## **REASONS FOR DECISION**

### **Application**

This application package submitted by the landlord regarding a tenancy at the rental premises known as 51-61 Woodland Drive in Hay River, Northwest Territories, was received and filed by the Rental Office on April 15, 2013. The Applicant served a copy of the filed application package on the Respondent by registered mail sent May 22, 2013, which was deemed served pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) on May 29, 2013.

The Applicant applied for eviction of the tenant from the rental premises pursuant to section 63(4) of the Act. In support of this application, the Applicant included in the application package the following exhibit:

Exhibit 1: Rental Office Order #10-13112 filed December 3, 2012

### **Hearing**

A hearing was scheduled for June 7, 2013. The Applicant appeared at hearing represented by Ms. Michelle Schaub. The Respondent was personally served with the notice of hearing on May 31, 2013, but did not appear at hearing. The hearing proceeded in her absence.

### **Submissions**

The Applicant reiterated at hearing that she was seeking an order to evict the tenant from the rental premises. She referred to the Rental Office Order #10-13112 which ordered payment of rental arrears in the amount of \$8,592.23 and termination of the tenancy agreement on March 4, 2013, unless rental arrears and rent for December 2012 and January and February 2013 were paid in full. At the time of hearing, the Applicant had not received any payments either against the rental arrears or for current rent. Taking into account the rent for March, April, May, and June, the current rental arrears sit at \$10,412.23.

### **Determination**

Rental Office Order #10-13112 filed December 3, 2012, was filed with the Territorial Court in Hay River on March 7, 2013. I accept that the requirements of the order were not satisfied as of March 4, 2013, and I find that termination of the tenancy became effective on that date in accordance with the Act.

Section 63(4) of the Act states:

- “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 light of the extent of rental arrears accumulated by the Respondent representing over three years of rent and the failure of the Respondent to make any attempts to negate these arrears, and with reference to the termination order in evidence of which I have determined is in accordance with this Act, I find that an eviction is justified.

#### Order

An order will issue evicting the tenant from the rental premises on June 14, 2013, and ordering the tenant to compensate the landlord for use and occupation of the rental premises, calculated for each day the tenant remains in occupation following the termination of the tenancy.

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Adelle Guigon  
Deputy Rental Officer