

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and
Eileen Kay, 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 -

EILEEN KAY

Respondent/Tenant

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the Respondent shall be evicted from the rental premises known as Unit 0007 James Simon Road in Fort McPherson, Northwest Territories, on July 2, 2013, unless rental arrears have been paid in full on or before June 30, 2013.
2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the Respondent shall compensate the Applicant for the use and occupation of the rental premises known as Unit 0007 James Simon Road in Fort McPherson, Northwest Territories, 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 3rd day of June
2013.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and
Eileen Kay, 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-

EILEEN KAY

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 the rental premises at Unit 0007 James Simon Road in Fort McPherson, Northwest Territories, was received and 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, which was deemed served pursuant to section 71(3) of the *Residential Tenancies Act* (the Act) on April 15, 2013.

The application package indicated the Applicant was seeking, among other things, eviction and compensation for use and occupation of the premises after termination of the tenancy pursuant to section 63(4) of the Act.

Hearing

A hearing was scheduled for May 29, 2013, for which notices were sent to the Applicant and Respondent by registered mail sent May 3, 2013. The Applicant appeared at hearing, represented by Shirley Wilson and Elizabeth Firth. The Respondent was deemed served the notice of hearing pursuant to section 71(5) of the Act on May 10, 2013. The Respondent did not appear at hearing nor was there anyone present to represent the Respondent. The hearing proceeded in her absence.

Submissions

The Applicant applied for payment of rental arrears, payment of expenses, and termination of the tenancy agreement for non-payment of and repeatedly late payment of rent. An order was issued for each of these, as well as to pay future rent on time, terminating the tenancy agreement effective June 30, 2013, unless rental arrears are paid in full on or before that date. The Applicant further requested an eviction order should the termination order become effective and compensation for use and occupation of the premises after the termination date.

Determination

The elements required for an application of section 63(4) to be made have been satisfied in that a termination order has been made by a rental officer, and I find that an eviction order is justified under the circumstances.

Order

An order will issue evicting the Respondent on July 2, 2013, unless rental arrears have been paid on or before June 30, 2013, and requiring the Respondent to compensate the Applicant for use and occupation of the premises for each day after termination of the tenancy.

Adelle Guigon
Deputy Rental Officer