

IN THE MATTER between **Deborah Webster and Uwe Naeher**, Applicants, and
Judith Beach and Donald Beach, Respondents;

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:

DEBORAH WEBSTER and UWE NAEHER

Applicants/Landlords

- and -

JUDITH BEACH and DONALD BEACH

Respondents/Tenants

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the Respondents/Tenants shall be evicted from the rental premises known as 138 Niven Drive in Yellowknife, Northwest Territories, on August 1, 2013.

2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the Respondents/Tenants shall compensate the Applicants/Landlords for the use and occupation of the rental premises at a rate of \$147.95 per day the Respondents/Tenants remain in occupation of the rental premises following the termination of the tenancy on July 31, 2013.

DATED at the City of Yellowknife, in the Northwest Territories this 25th day of July 2013.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Deborah Webster and Uwe Naeher**, Applicants, and
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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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BETWEEN:

DEBORAH WEBSTER and UWE NAEHER

Applicants/Landlords

-and-

JUDITH BEACH and DONALD BEACH

Respondents/Tenants

REASONS FOR DECISION

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| <u>Date of the Hearing:</u> | July 12, 2013 |
| <u>Place of the Hearing:</u> | Yellowknife, Northwest Territories, via Teleconference |
| <u>Appearances at Hearing:</u> | Deborah Webster, the Applicant |
| <u>Date of Decision:</u> | July 22, 2013 |

REASONS FOR DECISION

Application

This Application to a Rental Officer regarding the rental premises known as 138 Niven Drive in Yellowknife, Northwest Territories, was submitted by the Applicants, Deborah Webster and Uwe Naeher, and filed by the Rental Office on May 30, 2013. The Applicants served a copy of the filed application package on the Respondents, Judith Beach and Donald Beach, by registered mail signed for on June 3, 2013.

In their application, the Applicants sought payment of rental arrears, payment of late payment penalties, payment of future rent on time, termination of the tenancy agreement, and eviction.

Hearing

A hearing was scheduled for July 12, 2013, via teleconference as the Applicants reside outside the Northwest Territories. The Applicants were represented at hearing by Ms. Deborah Webster. The Respondents were personally served with the notice of hearing on June 18, 2013. The Respondents notified the Rental Office on July 11, 2013, both verbally and in their written submission, that they would not be attending the telehearing. The hearing proceeded in their absence.

Submissions

At hearing the Applicants reiterated their request for termination of the tenancy agreement and an eviction order as a consequence of substantial non-payment of rent. I reserved my decision pending receipt of final written submissions by the parties and rendered my decision on July 22, 2013, granting an order for payment of rental arrears and late payment penalties in the amount of \$21,104.72 and terminating the tenancy agreement effective July 31, 2013.

Determination

In light of the substantial amount of rental arrears and late payment penalties – which represent five months of rent plus late payment penalties accumulated over more than two years less the security deposit and interest – I find eviction justified in this instance in order to allow the landlords to mitigate any further loss or delay in rent payments for their rental premises. Compensation for the use and occupation of the rental premises after July 31, 2013, will be at a rate of \$147.95 per day, calculated as \$4,500 multiplied by 12 months divided by 365 days.

Order

An order will issue evicting the Respondents from the rental premises on August 1, 2013, and requiring them to pay for the use and occupation of the rental premises after July 31, 2013, at a rate of \$147.95 per day.

Adelle Guigon
Deputy Rental Officer