

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

EVICTIION 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 at #51-61 Woodland Drive in Hay River, Northwest Territories, on March 1, 2014.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of
December 2013.

Adelle Guigon
Deputy Rental Officer

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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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HAY RIVER MOBILE HOME PARK LTD.

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-and-

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 6, 2013
<u>Place of the Hearing:</u>	Hay River, Northwest Territories, via Teleconference
<u>Appearances at Hearing:</u>	Michelle Schaub, representing the Applicant
<u>Date of Decision:</u>	December 6, 2013

REASONS FOR DECISION

An application to a rental officer made by Hay River Mobile Home Park Ltd. as the applicant/landlord against Brenda Matto as the respondent/tenant was filed by the Rental Office October 8, 2013. The applicant served a copy of the filed application package on the respondent by registered mail sent October 21, 2013; it was deemed served October 28, 2013, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The application was made regarding a tenancy agreement for a mobile home lot at the rental premises known as 51-61 Woodland Drive in Hay River, Northwest Territories. The applicant requested an eviction order.

A hearing was scheduled for December 6, 2013. Notices of attendance were sent to the applicant by registered mail sent November 18, 2013, and to the respondent by personal service. Ms. Michelle Schaub appeared representing the applicant. Ms. Brenda Matto was personally served on December 4, 2013. She failed to appear at hearing and no one appeared on her behalf. The hearing proceeded in her absence, pursuant to section 80(2) of the Act.

Ms. Schaub indicated the applicant was unable to enforce a previous eviction order (File No. 10-13450) due to their lack of familiarity with the process required to do so. By the time they figured out how to do it the seasons were changing, making it unlikely they would be able to physically remove the mobile home from the property before the ground froze, and the six-month time limit on the eviction order would approach before they could facilitate the removal.

The termination of the tenancy agreement on March 4, 2013, was confirmed at the hearing for the previous eviction order issued June 7, 2013. As the termination of the tenancy has been determined in accordance with the Act and Ms. Matto has not vacated the rental premises, an eviction order is justified. In light of the winter season and the unreasonable expectation of being able to remove the mobile home lot before spring, the eviction will be ordered for March 1, 2014.

Adelle Guigon
Deputy Rental Officer