

IN THE MATTER between **LAURENCE HAMILTON**, Applicant, and **ANDREA (BEACOCK) HAMILTON**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

LAURENCE HAMILTON

Applicant/Landlord

- and -

ANDREA (BEACOCK) HAMILTON

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 22nd day of July, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **LAURENCE HAMILTON**, Applicant, and **ANDREA (BEACOCK) HAMILTON**, 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 **Hal Logsdon**, Rental Officer.

BETWEEN:

LAURENCE HAMILTON

Applicant/Landlord

-and-

ANDREA (BEACOCK) HAMILTON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **July 15, 2014**

Place of the Hearing: **Yellowknife, NT via teleconference**

Appearances at Hearing: **Laurence Hamilton, applicant**

Date of Decision: **July 15, 2014**

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in her absence.

The application was filed pursuant to section 57(c) of the *Residential Tenancies Act*. The applicant sought termination of the tenancy agreement. The respondent rents a room in the applicant's home and the landlord and tenant share kitchen facilities.

The applicant testified that he had last spoken to the respondent in the first week of July and had not seen or spoken to her since. He stated that he had spoken to her father who indicated that she did not intend to return to the premises. The applicant stated that the July rent had not been paid.

Section 1(3) of the *Residential Tenancies Act* sets out the criteria for abandonment of rental premises.

- 1.(3) For the purposes of this Act, a tenant has abandoned the rental premises and the residential complex where the tenancy has not been terminated in accordance with this Act and**
- (a) the landlord has reasonable grounds to believe that the tenant has left the rental premises; or**
 - (b) the tenant does not ordinarily live in the rental premises, has not expressed an intention to resume living in the rental premises, and the rent the tenant has paid is no longer sufficient to meet the tenant's obligation to pay rent.**

There is adequate evidence to consider the tenancy agreement terminated by reason of abandonment. There is no requirement for an order terminating the tenancy agreement. The

applicant may take possession of the rental premises. The application shall be dismissed.

The applicant shall deal with any abandoned personal property and any security deposit in accordance with sections 18 and 64 of the *Residential Tenancies Act*.

Hal Logsdon
Rental Officer