

IN THE MATTER between **5655 NWT LTD.**, Applicant, and **CALVIN COLBORNE AND LISA COLBORNE**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

5655 NWT LTD.

Applicant/Landlord

- and -

CALVIN COLBORNE AND LISA COLBORNE

Respondents/Tenants

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondents shall be evicted from the premises known as 216 Fairchild Crescent, Yellowknife, NT on October 6, 2014 unless the rent arrears and the rents for September and October, 2014 in the total amount of six thousand five hundred thirty four dollars and seventy one cents (\$6534.71) are paid in full on or before October 3, 2014.

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of August, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **5655 NWT LTD.**, Applicant, and **CALVIN COLBORNE AND LISA COLBORNE**, Respondents.

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:

5655 NWT LTD.

Applicant/Landlord

-and-

CALVIN COLBORNE AND LISA COLBORNE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 6, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lynn Elkin, representing the applicant

Date of Decision: August 6, 2014

REASONS FOR DECISION

The respondents were sent Notices of Attendance by registered mail. At the time of the hearing, there was no confirmation of receipt but Canada Post confirmed that delivery was attempted and a notice left on July 21, 2014 indicating where the item could be picked up. The respondents failed to appear at the hearing. In my opinion, it is not unreasonable to deem the Notices of Attendance served pursuant to section 71(5) of the *Residential Tenancies Act*. The hearing was held in the absence of the respondents.

The tenancy agreement between the parties will be terminated by order on October 3, 2014 unless the respondents pay the applicant rent arrears and the rents for September and October in the total amount of \$6534.71 on or before that date (file #10-14216, filed on August 7, 2014). In my opinion, the eviction is justified if the ordered amount is not paid and the respondents remain in possession of the premises after October 3, 2014.

Hal Logsdon
Rental Officer