Date: 2026 04 02
Docket: S-1-CV-2025 000 274

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF the *Residential Tenancies Act*, RSNWT 1988, c R-5, and amendments thereto;

AND IN THE MATTER OF the Order and Reasons for Decision of the Rental Officer, File #18643, dated September 4, 2025

BETWEEN:

MARY ANN MINOZA

Appellant

-and-

HOUSING NWT and THE HAY RIVER HOUSING AUTHORITY

Respondents

MEMORANDUM OF JUDGMENT

OVERVIEW

[1] The Appellant, Mary Ann Minoza, appeals from the decision of the Rental Officer terminating her tenancy and evicting her. The Appellant acknowledges that she missed the rental hearing as she had lost her papers. The Appellant asserts that some of the evidence before the Rental Officer was false and that she has been dealing with hostile neighbours. She asks for a chance to demonstrate to her landlord, the Hay River Housing Authority (the "Authority"), that she has changed her lifestyle and, therefore, should not be evicted.

[2] The Authority asks that I dismiss the appeal, asserting that it was filed out of time, and that the Rental Officer made no errors of fact or law.

[3] The Respondent, Housing NWT, did not participate in the appeal.

[4] For the reasons that follow, I dismiss the appeal.

BACKGROUND

[5] The Appellant entered into a tenancy agreement with the Authority for the rental of a public housing unit (the "premises") commencing October 4, 2019.

[6] Early on in the tenancy, problems arose with respect to the Appellant's occupation of the premises. The Rental Officer issued an order on February 21, 2020 which included a term evicting the Appellant by June 1, 2020 unless no further disturbances caused by the Appellant or her guests were reported to the Authority. The evidence is that the Appellant complied with this condition and was not evicted.

[7] On February 17, 2022, the Rental Officer again issued an order including a term evicting the Appellant as of June 1, 2022, unless no further disturbances caused by the Appellant or her guests were reported. The Appellant was able to comply with this condition and was not evicted.

[8] On February 22, 2024, the Rental Officer again issued an order including a term evicting the Appellant as of June 1, 2024, unless no further disturbances caused by the Appellant or her guests were reported to the Authority. The Appellant again complied and was not evicted.

[9] On June 19, 2025, the Authority applied to the Rental Officer for an order requiring the Appellant to comply with the obligation not to cause disturbances as well as a conditional order for termination of the tenancy and eviction. A hearing was set for September 3, 2025. The Appellant was personally served with notice of this hearing on July 24, 2025

[10] The Appellant did not attend the hearing. She advises that she lost the court documents and was traveling. She wanted to attend the hearing because she felt that her neighbours were hostile toward her and had made false accusations of illegal activities.

[11] During the hearing, the Rental Officer heard from the tenant relations officer for the Authority, Adam Swanson. Mr. Swanson submitted evidence of the following:

a) December 2024 – a note and letter was sent to the Appellant regarding two complaints received by the Authority.

b) April 2024 – a report was received by the Authority of the Appellant having a dog not under control, as well as a person visiting the premises, whom the person reporting believed was engaged in illegal activities.

c) May 2024 – a note and a letter was sent by the Authority regarding continued complaints about a loose dog and heavy traffic to the premises over an extended period of time.

d) June 2024 – a note and a letter was sent by the Authority to the Appellant regarding unclean premises and continued disturbances.

e) July 2024 – three further noise complaints were received by the Authority.

f) A number of calls had been made to the Royal Canadian Mounted Police involving the Appellant. One of the calls involved the Appellant reporting a neighbour's harassing behaviour. Other calls related to the Appellant causing disturbances and allegations of illegal activities.

[12] During the hearing, Mr. Swanson noted that the Authority did not wish to see the Appellant homeless, and that what the Authority referred to as tiered eviction orders had worked well in the past to address the Appellant's behaviour.

[13] The Rental Officer issued an Order (the "Order") requiring the tenant to comply with the quiet enjoyment obligation found in the *Residential Tenancies Act*, RSNWT 1988, c R-5, ss 43(3)(a) and (b) (the "*Act*"). Additionally, the Rental Officer included in the Order a term terminating the tenancy agreement between the parties on:

a) October 31, 2025, unless no further disturbances, verified as being caused by the Appellant or persons permitted on the premises or residential complex by the Appellant, are reported to the Authority;

b) November 30, 2025, unless no further disturbances, verified as being caused by the Appellant or persons permitted on the premises or residential complex by the Appellant, are reported to the Authority;

c) December 31, 2025, unless no further disturbances, verified as being caused by the Appellant or persons permitted on the premises or residential complex by the Appellant, are reported to the Authority; or

d) January 31, 2026, unless no further disturbances, verified as being caused by the Appellant or persons permitted on the premises or residential complex by the Appellant, are reported to the Authority.

[14] The Appellant was provided with a letter by mail dated September 5, 2025, summarizing the conditions of the Order. I have no evidence as to when she received this letter. She was also personally served with the Reasons for Decision and Order on September 18, 2025.

[15] There was a typographical error in the Order, and an amended Order correcting this error was personally served on the Appellant on November 17, 2025.

[16] The Appellant filed her Notice of Appeal on December 2, 2025 although it is dated November 21, 2025. In addition to appealing the Order, the Appellant asked for a stay of the Order pending the hearing of her appeal. This stay was granted on December 5, 2025.

[17] The Authority filed two additional affidavits alleging continued disturbances to neighbours after the Rental hearing. On September 9, 2025, the Authority wrote to the Appellant advising of reports received on September 7 and 9, 2025, of disturbances, one of which was loud enough to wake up neighbours and school aged children at approximately 2:00 a.m. and another involving yelling and fighting for nearly ten minutes. The Authority advised of their intention to terminate the tenancy and to evict the Appellant.

[18] Most recently, prior to hearing the appeal, the Authority filed evidence of disturbances occurring on February 16 and 17, 2026.

[19] The Appellant did not file additional evidence disputing the disturbances but made oral submissions that a neighbour was biased against her. Most notably, she also admitted that some of the disturbances occurred, but that she was attempting to change her life and would do better.

ISSUES

[20] The following issues are raised by this appeal:

i) Was the appeal filed out of time and, if so, should I exercise my discretion pursuant to s 83(3) of the *Act* to extend the limitation period;

ii) Has the Appellant demonstrated an error on the part of the Rental Officer sufficient to set aside his decision and grant her appeal?

LEGAL ANALYSIS

The standard of review

[21] The standard of review where the Appellant argues that the Rental Officer committed a mistake in his assessment of the evidence, is that of palpable and overriding error. This is an error that can be plainly seen.

[22] The standard of review on jurisdictional issues, namely, did the Rental Officer have the power to make the order he did, is correctness. That is, the Rental Officer must be correct in his assessment of his authority, and no deference is owed to his decision: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65; *Housen v Nikolaisen*, 2002 SCC 33.

[23] I will now turn to the issues raised by this appeal.

Was the appeal filed out of time and, if so, should I exercise my discretion to extend the limitation period?

[24] The Rental Officer provided his Reasons for Decision on September 3, 2025 and made his Order on September 4, 2025. The Authority sent the Appellant a letter shortly thereafter, however, there is no evidence it was sent by registered mail or that the Appellant received the letter. She was, however, personally served with the Order on September 18, 2025. She had actual notice then of the Order and of the Rental Officer's reasoning for it. She had a conversation with the Authority shortly after being served with the Order about appealing the decision.

[25] The Order did not contain the correct address for the premises and was subsequently amended. The amended Order was personally served on the Appellant on November 17, 2025. She filed her appeal 18 days later, four days after the 14 days permitted by s 87(1) of the *Act*.

[26] The Authority asserts that the Appellant's appeal is filed out of time. They note that the Appellant filed her appeal 78 days after she was personally served with the original Order and 74 days after she discussed an appeal with the Authority. I am asked to dismiss the appeal on the basis that she did not act quickly enough to file her appeal and provided no explanation for the delay. The Authority maintains that the amendment to the Order was minor in nature, simply inserting the correct address of the premises, and submits that that amendment should not restart the appeal period.

[27] This issue has not been considered in the Northwest Territories nor do the *Rules of the Supreme Court of the Northwest Territories*, R-010-96, address the issue of the effect of an amendment to an order on the appeal period.

[28] Although the effect of amendments to orders has not been decided in the Northwest Territories, the Manitoba Court of Appeal addressed it in *Deleeuw v Lehner*, 1988 CanLII 7395 (MB CA). The court held that the time for appeal ran from the date of an amendment to the lower court's certificate of judgment, not the date the judgment was pronounced. Unfortunately, that decision does not indicate whether the amendment was substantive or a correction of a clerical error.

[29] In contrast to the Manitoba approach, the Saskatchewan Court of Appeal has held that where an amendment merely reflects a decision made, it does not restart the appeal period for the original judgment: *P.G.R. Films Ltd v Sooter Studios Ltd*, 1994 CanLII 4603 (SK CA).

[30] I agree with counsel for the Authority that the amendment to the Order was a minor amendment correcting a clerical error. The Appellant was aware of the substance of the decision, and there is no evidence that she was misled by the error in the Order. Indeed, four days after being served with the original Order, the evidence is that the Appellant discussed with the Authority filing an appeal.

[31] Moreover, there are compelling public policy reasons for appeals of Rental Officer orders to be filed in a timely manner. Appeals can result in a stay of the eviction pending the hearing of the appeal, which can take a number of months. The *Act* provides for a short appeal period of 14 days which I take as an illustration of the legislature's intention to address matters involving residential tenancies in a timely manner.

[32] In these circumstances, given that the amendment to the Order was of a purely clerical nature, I find that it did not extend the time for the filing of the appeal and that the appeal period runs from the date of the original order.

[33] The appeal was filed 78 days after the Appellant was personally served with the original Order. The delay was significant and was not explained by the Appellant.

[34] Even if I had found that the appeal period ran from the date that the Appellant was served with the amended Order, the Appellant still filed her appeal four days late.

[35] In all of the circumstances, I find that the appeal was filed out of time and dismiss it on that basis alone.

Has the Appellant demonstrated an error on the part of the Rental Officer sufficient to set aside his order and grant her appeal?

[36] The Appellant was unable to point to any error on the part of the Rental Officer. While she did not attend the hearing, she had proper notice. She asserts that she asked the Authority for assistance so she could attend the hearing but did not receive any. She provided no other evidence of her intention to attend or details of how the Authority failed to help her. Moreover, the Appellant had prior dealings with the Rental Office in that there had been three earlier hearings involving the Appellant. From this, I infer that the Appellant has a degree of familiarity with the hearing process.

[37] There is nothing to support a finding that the Rental Officer acted in a procedurally unfair manner.

[38] With respect to the substance of the evidence before the Rental Officer, the Appellant suggests that the evidence was false and motivated by a dispute with one neighbour. However, apart from this assertion, the Appellant provided no evidence to suggest that the reports received by the Authority were untrue. There was ample evidence for the Rental Officer to find that repeated disturbances occurred. Those disturbances continued after the Order was served on the Appellant. Indeed, there is evidence of continued disturbances immediately prior to the appeal being argued, and more than six months after the hearing before the Rental Officer.

[39] Indeed, in a pre-hearing conference on the appeal, the Appellant admitted that there are probably some of the allegations which are true, although she felt that other allegations were exaggerated or false.

[40] I find that the Rental Officer committed no error in deciding that disturbances occurred and in ordering the termination of the tenancy and eviction. Moreover, I find that the evidence introduced by the Authority supports the termination of the tenancy and eviction. As such, I dismiss the Appellant's appeal on its merits.

[41] During the appeal, I raised the issue of the jurisdiction of the Rental Officer to make a conditional eviction order and asked that the Authority provide notice to the Rental Officer. The Rental Officer chose not to participate in the hearing to address the jurisdictional issue of conditional eviction orders.

[42] The concern lies with the fact that the Rental Officer's order was a conditional eviction order, evicting the Appellant on set dates spanning a number of months,

unless the Authority receives no further complaints of disturbances caused by the Appellant or her guests.

[43] I am advised that these types of orders can be very useful in changing behaviour and, in essence in providing tenants with a "last chance" to avoid eviction. There is merit to the practical effect of this type of order.

[44] The legal concern is whether this is an impermissible delegation of statutory authority given that there is no mechanism included in the order to have the Rental Officer verify the continued disturbances. The decision whether to enforce the termination and eviction is left to the discretion of the Authority and I was advised by the Authority that the Rental Officer does not play a role in the Authority's determination of whether continued disturbances have occurred.

[45] Section 83(2) of the *Act* confers the Rental Officer with authority to include in any order terms and conditions that the Rental Officer considers appropriate. However, the conditional eviction order made by the Rental Officer delegated to the Authority the adjudicative decisions of whether disturbances occurred and whether those disturbances were caused by the Appellant or her guests. There is a presumption against sub-delegation of statutory authority: See *Morton v Canada (Fisheries and Oceans)*, 2015 FC 575 at para 79.

[46] The Appellant did not argue this jurisdictional issue. In the absence of full argument on this issue, and in light of my conclusion that there is ample evidence of continuing disturbances sufficient to support the termination of the tenancy and an eviction, I will leave this issue to be determined another day. In the interim, the Rental Officer may wish to give consideration to changing their practices so as to have the Rental Officer play a role in confirming evidence of breach or, alternatively, seeking to have the *Act* amended to clarify this jurisdictional issue.

CONCLUSION

[47] The appeal is dismissed. The Rental Officer's decision to terminate the tenancy agreement is confirmed. The eviction order will be effective as of June 1, 2026.

Sheila M. MacPherson
J.S.C.

Dated in Yellowknife, NT this
2nd day of April, 2026

Counsel for the Appellant:	Self-represented
Counsel for the Respondent, Hay River Housing Authority:	Jared Lane

Housing NWT did not participate in the appeal

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MEMORANDUM OF JUDGMENT OF THE HONOURABLE JUSTICE S.M. MACPHERSON