

Residential Tenancy Dispute Resolution Service (RTDRS)

COURT ACTION NUMBER	<b>2401 05617</b>
RTDRS CASE NUMBER	<b>R24/004020</b>
TRIBUNAL	Residential Tenancy Dispute Resolution Service – Government of Alberta
APPLICANT(S) Landlord	Hubert Huen
RESPONDENT(S) Tenant	Richard Beauchamp and Amber Churnisoff-Myers and all other occupants
DOCUMENT	<b>AMENDED</b> Conditional Order
NAME, PHYSICAL ADDRESS FOR SERVICE, EMAIL ADDRESS AND TELEPHONE NUMBER FOR PARTY FILING THE ORDER	Hubert Huen #1000, 350 - 7 Ave SW CALGARY AB T2P 3N9 hh3d.designs@gmail.com (403) 708 9222
LEGISLATION	Residential Tenancies Act Statutes of Alberta, 2004, Chapter R-17.1 and Amendments and Regulations thereto



**DATE OF HEARING:** 22 April 2024

**DATE OF ORDER:** 22 April 2024

**DATE OF AMENDED ORDER:** 15 May 2024

**NAME OF TENANCY DISPUTE OFFICER WHO MADE THIS ORDER:** R. FERRIER

**LOCATION OF HEARING:** By Telephone Conference

**ADDRESS OF THE RENTAL PREMISES:** 1140 Hunterston Hill NW, CALGARY, Alberta

**UPON APPLICATION** of the Landlord.

**AND UPON FINDING** that service was properly effected in accordance with the *Residential Tenancies Act* and/or the *Residential Tenancy Dispute Resolution Service Regulation* by way of confirmation by the Tenant(s).

**AND UPON** having read the application of the Landlord.

**AND UPON** having heard what was said by Hubert HUEN, Landlord; Richard BEAUCHAMP and Amber CHURNISOFF-MYERS, Tenant(s).

The Landlord filed an application to amend the order as it contained incorrect payment amounts. I have reviewed the audio recording and amended the order to accurately reflect the payment amounts ordered during the hearing.

**THE TENANCY DISPUTE OFFICER FINDS THAT:**

THE TENANT(s) has substantially breached the *Residential Tenancies Act* and/or the Tenancy Agreement under:  
Section 21(a) Failing to pay rent when due.

**IT IS ORDERED THAT:**

The Landlord(s) shall have Judgment against the Tenant(s) for:  
unpaid rent, up to and including Sunday 31 March 2024 in the amount of \$3,110.00,  
costs in the amount of \$75.00, inclusive of disbursements,  
for the total Judgment amount of \$3,185.00.

**IT IS FURTHER ORDERED THAT THE TENANCY WILL NOT BE TERMINATED IF THE FOLLOWING CONDITIONS ARE MET:**

The Tenant(s) shall make the following payments to the Landlord(s):

The amount of \$2,000.00 on or before Wednesday 24 April 2024.

The amount of ~~\$2,385.00~~ \$2,885.00 on or before Friday 3 May 2024.

The amount of ~~\$2,350.00~~ \$2,850.00 on or before the 1st day of each and every month commencing on Saturday 1 June 2024 and continuing to, and including Tuesday 1 October 2024.

The amount of \$1,000.00 on or before the 22nd day of each and every month commencing on Wednesday 22 May 2024 and continuing to, and including Thursday 22 August 2024.

**HOWEVER**, if the Tenant(s) defaults on any of the payments set out above, the tenancy between the Landlord(s) and Tenant(s) is terminated effective immediately. The Landlord(s) may obtain vacant possession without further order, after serving the Tenant(s) with a *Notice of Default* within 25 days after the default occurs. The *Notice of Default* will provide the Tenant(s) with 72 hours to vacate the rental premises.

As a result of the default, the Landlord(s) shall be entitled to \$93.70 per day from Monday 1 April 2024 until the date the Landlord(s) obtains possession of the rental premises, as unpaid rent and/or compensation for use and occupation of the rental premises. This default entitlement amount is in addition to the Judgment amount above.

Any failure to pay under this Order by a Tenant that is not enforced by the Landlord does not prevent the Landlord from enforcing this Order on a subsequent default.

Reasons to support this decision and Order were provided orally during the hearing.

This order is binding on the parties when issued and, on being filed at the Court of King's Bench, is enforceable in the same manner as an order of the Court. After the filed order has been served on the Tenant(s), an Affidavit of Service must be filed at the Court before a civil enforcement agency has authority to evict any occupant of the rental premises in accordance with the terms of the order.



**R. FERRIER**  
Tenancy Dispute Officer  
**22 April 2024**