

NAK'AZDLI BAND COUNCIL

**EVICITION PROCESS**

**CONSEQUENCES OF NOT FULFILLING HOMEBUYER RESPONSIBILITIES**

**Order of Eviction**

36. (1) Where, on application of the band council, a judge determines that occupancy has been terminated in accordance with this Housing Policy, the judge may make and order:
- (a) evicting the resident on the date specified in the agreement, notice or order, or on the earliest reasonable date after the date of termination of the occupancy; and
  - (b) requiring the resident to compensate the Band Council for the use and occupation of the band owned house, calculated for each day the resident remains in occupation following the termination of occupancy.

**Applications to the Housing Committee**

**Applications To Be Made Within five (05) days Of Breach**

37. (1) An application by the housing administrator or a resident to the Housing Committee shall be made within sixty (60) days from the date that the breach of an obligation under this Housing Policy or the housing agreement or the situation referred to in the application arose.
- (2) The housing administrator or a resident making an application to the Housing Committee for an order or a decision under this Housing Policy shall file the application with the Housing Committee and serve a copy of the application on the other party within at least fourteen (14) days of the filing of the application.

**Service Of Application**

38. Notwithstanding any other provision of this Housing Policy, where this Housing Policy provides that an application is to be made to the Housing Committee, the application may be made, within the time limit set out in subsection 37(1) with the Housing Committee, and a copy of the application shall be served on the other party at least five (5) days before the day named in the application for the hearing. Services Of Notices
39. (1) Subject to subsection (3), any notice, process or document to be served by or on the housing administrator, as agent of the Band Council, a resident or the Housing Committee may be served by personal delivery or by registered mail to the housing administrator at the address given in the tenancy agreement or mailed to the resident at the address of the band owned house and at the address of the Housing Committee.
- (2) A notice, process or document sent by regular mail or registered mail shall be deemed to have been served on the seventh day after the date of mailing.
- (3) Where a notice cannot be served personally on a resident who is absent or evading service, the notice may be served on the resident by serving it on any adult person who apparently resides with the resident, and by posting it in the band council office.