

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and
CHRISTOPHER BOURKE AND MARGARET DOOK, 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,
regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

CHRISTOPHER BOURKE AND MARGARET DOOK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order between the parties (File #10-6740) is rescinded and the respondents are ordered to pay rent arrears to the applicant in the amount of five thousand three hundred fifty dollars (\$5350.00).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as R-313, 5600-52 Avenue, Yellowknife, NT shall be terminated on January 31, 2002 and the respondents shall vacate the premises on that date unless the rent arrears are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 23rd day of January,
2002.

Hal Logsdon
Rental Officer

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BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

-and-

CHRISTOPHER BOURKE AND MARGARET DOOK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: January 22, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rashda Mirza, representing the applicant
Margaret Dook, representing the respondents

Date of Decision: January 22, 2002

REASONS FOR DECISION

The applicant alleged that the respondents had failed to pay rent arrears in accordance with a schedule ordered by a rental officer and sought an order rescinding the previous order and ordering the lump sum payment of the balance of arrears as well as termination of the tenancy agreement. A previous order was filed by a rental officer (File #10-6740) on October 30, 2001 requiring the respondents to pay rent arrears in the amount of \$2450 in monthly installments and to pay future rent on time. The ledger indicates that the respondents paid the November, 2001 rent but failed to pay the rent for December, 2001 or January, 2002 and made no payments toward the arrears. The ledger indicated a current balance of rent arrears in the amount of \$5350.

The respondents did not dispute the allegations.

It is clear that the respondents are unable or unwilling to pay the lawful rent to the landlord. In either case, the only effective remedy available at this time, unless the arrears are paid immediately, appears to be termination of the tenancy agreement. I find the respondents have breached the tenancy agreement by failing to pay the lawful rent to the landlord. I find the rent arrears to be \$5350.

The previous order (File #10-6740) shall be rescinded and a new order issued for the respondents to pay the applicant rent arrears in the amount of \$5350 and terminating the tenancy agreement on January 31, 2002 unless the rent arrears are paid in full.

Hal Logsdon
Rental Officer