

IN THE MATTER between **NORTHLAND MOBILE HOME PARK INC.**, Applicant,
and **ANTHONY DIGIACOMO**, Respondent;

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:

NORTHLAND MOBILE HOME PARK INC.

Applicant/Landlord

- and -

ANTHONY DIGIACOMO

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the Residential Tenancies Act, the respondent shall pay the applicant rent arrears in the amount of six thousand three hundred fifty dollars (\$6350.00).

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

Hal Logsdon
Rental Officer

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NORTHLAND MOBILE HOME PARK INC.

Applicant/Landlord

-and-

ANTHONY DIGIACOMO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 19, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Leanne Dragon, representing the applicant
Anthony Digiacommo, respondent

Date of Decision: April 19, 2002

REASONS FOR DECISION

This matter was continued from April 9, 2002 when the hearing was adjourned as the respondent had not been served with a copy of the filed application. Although the respondent initially appeared at the hearing, he stated that he did not wish to discuss the matter of rent arrears and left the hearing. The hearing continued in his absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay alleged rent arrears in the amount of \$6350. The applicant indicated that the tenancy had been terminated by reason of abandonment and therefore no order terminating the tenancy agreement was required.

The applicant indicated that a previous order had been filed on April 20, 2001 requiring the respondent to pay rent arrears in the amount of \$4130. The applicant stated that they sought only the rent which had accrued from that time to the termination of the tenancy which was summarized in a statement indicating a balance of \$6350.

I note that the applicant commenced charging a late fee of \$25 in August 2001. Late payment penalties are permitted pursuant to section 41 of the *Residential Tenancies Act* which sets out a method of calculation and rate. The applicant has not applied the late fee in accordance with the Act, however the amount charged (\$200) is less than the amount permitted under the Act (\$223.97). Therefore, I shall allow the penalty. I find the balance of the evidence in order.

I find the respondent has breached the tenancy agreement by failing to pay the lawful rent to the landlord. I find the rent arrears from the date of the previous order to be \$6350. An order shall be issued for the respondent to pay the applicant rent arrears in the amount of \$6350.

Hal Logsdon
Rental Officer