

IN THE MATTER between **902754 NWT LIMITED**, Applicant, and **DAVID ADAMS AND GLENNA FIRTH**, 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 **INUVIK, NT**.

BETWEEN:

902754 NWT LIMITED

Applicant/Landlord

- and -

DAVID ADAMS AND GLENNA FIRTH

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of May, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **902754 NWT LIMITED**, Applicant, and **DAVID ADAMS AND GLENNA FIRTH**, 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.

BETWEEN:

902754 NWT LIMITED

Applicant/Landlord

-and-

DAVID ADAMS AND GLENNA FIRTH

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: April 3, 2002

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Talal Alkhatib, representing the applicant

Date of Decision: April 30, 2002

REASONS FOR DECISION

The respondents were served with Notices of Attendance on March 21, 2002 but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement between the parties.

The applicant testified that he sought an order for the respondents to pay \$2700 which represented unpaid rent for the months of November and December, 2001. The applicant provided a statement of the rent account for the period August, 2001 to April, 2002 which appeared to indicate that all rent had been paid for that period. It indicated a "previous balance" of \$2700 for November and December, 2001. There were no entries for January - August, 2001 or any entries prior to November 2001.

At a hearing concerning allegations of rent arrears, it is necessary for a landlord to provide sufficient evidence for a Rental Officer to determine how the rent arrears accrued. Generally, it is expected that a landlord will produce a statement of the account which shows dates on which rent was charged and the dates and amounts of rent payments made. There must be a complete record from either the beginning of the tenancy, the last zero balance on the account, or an amount confirmed by a previous finding (e.g. an order by a Rental Officer).

Two previous orders were issued by the Rental Officer which ordered compensation to the respondents in the form of rent credits. I find no indication in the evidence or testimony that the compensation was provided.

The decision was reserved to allow the applicant to provide accounting from the date of the previous order to the present. The applicant did not provide any additional evidence.

In my opinion, there is insufficient evidence to support the allegations of rent arrears or determine the true balance of the rent account. Based on the testimony of the applicant, I can not determine the transactions since the last zero balance of the account or from a reference point from a previous order. Although the opportunity was given to the applicant to provide such evidence, he has failed to do so. The applicant has not provided sufficient accounting to support his allegations.

Accordingly, the application is dismissed.

Hal Logsdon
Rental Officer