

IN THE MATTER between **902754 NWT LIMITED**, Applicant, and **PAT WOLKI AND WINI WOLKI**, 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 -

PAT WOLKI AND WINI WOLKI

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of December, 2002.

Hal Logsdon
Rental Officer

IN THE MATTER between **902754 NWT LIMITED**, Applicant, and **PAT WOLKI AND WINI WOLKI**, 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-

PAT WOLKI AND WINI WOLKI

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 26, 2002

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Talal Khatib, representing the applicant
Pat Wolki, respondent
Wini Wolki, respondent

Date of Decision: November 26, 2002

REASONS FOR DECISION

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.

The applicant was unable to determine the amount of rent arrears owing and had no records of rent for the period April 1, 2002 to present. At the hearing he presented notes as evidence of rent arrears to March, 2002 claiming the outstanding balance at that time to be \$6400.

The respondent presented numerous receipts issued by the applicant for rent payment. At least one of the receipts documented that rent had been paid where the landlord's notes indicated it was outstanding.

In my opinion, the landlord has failed to present any intelligible evidence. The allegations of rent arrears appear to me to be little more than a guess by the landlord. His evidence is such that the respondent can not be expected to interpret them or respond. I am not prepared to determine the rent owing from the evidence provided. To do so, would entail supplying accounting services to the landlord.

The application is dismissed without prejudice. The applicant is free to make a future application but such an application must be accompanied by a reasonable accounting of the rent alleged to be

in arrears to enable the respondent to prepare a response.

Hal Logsdon
Rental Officer