

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **JESLEY NITSIZA**, 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:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

JESLEY NITSIZA

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 two thousand two hundred fifty dollars (\$2250.00).
2. Pursuant to section 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 209, 5600 52nd Avenue, Yellowknife, NT shall be terminated on March 31, 2004 and the respondent 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 March, 2004.

Hal Logsdon
Rental Officer

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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:

809656 ALBERTA LTD.

Applicant/Landlord

-and-

JESLEY NITSIZA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 23, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Trena Scott, representing the applicant

Date of Decision: March 23, 2004

REASONS FOR DECISION

The respondent, Jesley Nitsiza, was served with a notice to attend the hearing. The respondent, Stephanie Lacorne, was served by giving the notice to appear to Mr. Nitsiza. The process server noted that Mr. Nitsiza stated that Ms. Lacorne no longer lived at the premises and that he did not know her whereabouts. In my opinion substitutional service is not appropriate in these circumstances and find that Ms. Lacorne has not been served with a notice to appear. The applicant indicated that she wished to proceed against Mr. Nitsiza alone. The order shall therefore be made against Mr. Nitsiza only. Mr. Nitsiza failed to appear at the hearing and the hearing was held 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 the alleged rent arrears and terminating the tenancy agreement unless the alleged arrears were paid by March 31, 2004.

The applicant provided a statement of the rent which indicated a balance of rent owing in the amount of \$2250. The statement indicated that no rent had been paid since January 1, 2004. The statement appears to be in order.

I find the respondent in breach of his obligation to pay rent and find the rent arrears to be \$2250. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are promptly paid. An order shall issue requiring the respondent to pay the applicant rent

arrears in the amount of \$2250 and terminating the tenancy agreement on March 31, 2004 unless the rent arrears are paid in full.

Hal Logsdon
Rental Officer