

IN THE MATTER between **NUMAC DEVELOPMENT CORPORATION**, Applicant,
and **ANTHONY STAPLETON AND CANDICE SPARKS**, 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:

NUMAC DEVELOPMENT CORPORATION

Applicant/Landlord

- and -

ANTHONY STAPLETON AND CANDICE SPARKS

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of two thousand one hundred twenty one dollars and sixty seven cents (\$2121.67).

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of October, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **NUMAC DEVELOPMENT CORPORATION**, Applicant,
and **ANTHONY STAPLETON AND CANDICE SPARKS**, 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:

NUMAC DEVELOPMENT CORPORATION

Applicant/Landlord

-and-

ANTHONY STAPLETON AND CANDICE SPARKS

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: **October 12, 2004**

Place of the Hearing: **Yellowknife, NT**

Appearances at Hearing: **Doreen Benoit, representing the applicant**
 Anthony Staples, respondent
 Candice Sparks, respondent

Date of Decision: **October 13, 2004**

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent. The applicant withdrew the request for termination of the tenancy agreement stating that the respondents had given notice to terminate the agreement on October 31, 2004. The applicant sought only an order requiring the respondents to pay the alleged rent arrears.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$2163.89. Included in that amount are two penalties totalling \$42.22.

The respondents did not dispute the allegations and indicated they intended to pay the arrears promptly.

I find the respondents in breach of their obligation to pay rent. I find the penalties applied to be far in excess of the 2.71% interest rate for late payment prescribed in the *Residential Tenancies Act* and accordingly deny the request for the late payment penalty. I find the rent arrears to be \$2121.67.

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$2121.67

Hal Logsdon
Rental Officer