

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **JOHN P. MANTLA**, 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 **RAE-EDZO, NT**.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

JOHN P. MANTLA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order (File #10-8100, filed on November 16, 2004) is rescinded and the respondent is ordered to pay the applicant rent arrears in the amount of twenty thousand seven hundred forty four dollars and twenty eight cents (\$20,744.28).
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 Unit #426, Weda Tili, Rae, NT shall be terminated on March 31, 2005 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 16th day of March, 2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **JOHN P. MANTLA**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

JOHN P. MANTLA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 2, 2005

Place of the Hearing: Rae-Edzo, NT

Appearances at Hearing: Bob Richardson, representing the applicant
John P. Mantla, respondent

Date of Decision: March 2, 2005

REASONS FOR DECISION

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 between the parties. The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$20,744.28.

A previous order was issued on November 16, 2004, requiring the respondent to pay the rent arrears in monthly installments of \$100 and to pay the monthly rent on time. The ledger indicates that no payments have been made since the order was issued.

The respondent disputed the allegations testifying that after the death of his wife, a payment had been made through the Public Trustee of \$513.39. He also stated that the Public Trustee had been advised by the landlord in February, 2004 that the outstanding balance of rent owing was only \$681.

The ledger indicates that the payment of \$513.39 was recorded as a credit to the respondent's account on June 29, 2004. The applicant stated that a letter to the Public Trustee had been issued, stating the rent arrears as \$681 but could not offer an explanation as to why that amount was quoted. In my opinion, the ledger is accurate and the incorrect information to the Public Trustee would have had no effect on the amount remitted.

I find the respondent in breach of his obligation to pay rent and find the rent arrears to be \$20,744.28. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are promptly paid. Despite the fact that the respondent failed to appear at the previous hearing in November, 2004, the landlord was willing to accept an order for the orderly payment of the arrears and suggested a monthly payment which, in my opinion, was well within the respondent's financial ability to pay. The respondent paid nothing. With the exception of the payment from his late wife's estate, the last payment was in December, 2003.

An order shall issue rescinding the previous order and requiring the respondent to pay the rent arrears of \$20,744.28. The tenancy agreement shall be terminated on March 31, 2005 unless those arrears are paid in full.

Hal Logsdon
Rental Officer