

IN THE MATTER between **RICHARD C. ADAMS**, Applicant, and **DOLLY PETERSON**, 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 **INUVIK, NT**.

BETWEEN:

RICHARD C. ADAMS

Applicant/Landlord

- and -

DOLLY PETERSON

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 one thousand four hundred forty dollars (\$1440.00).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of December, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **RICHARD C. ADAMS**, Applicant, and **DOLLY PETERSON**, 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.

BETWEEN:

RICHARD C. ADAMS

Applicant/Landlord

-and-

DOLLY PETERSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 20, 2004

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: Heather Hansen, representing the applicant

Date of Decision: December 20, 2004

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on December 1, 2004 but failed to appear at the hearing. The hearing was held in her absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent. The applicant testified that the rent for the premises was \$1500/month and that between September 1, 2004 and present, the respondent had made payments totalling \$4560, leaving rent arrears in the amount of \$1440. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement.

The application was filed on October 27, 2004 seeking an order to pay rent arrears and to pay future rent on time. There is no evidence to indicate that the applicant served any notice of termination on the respondent pursuant to section 54 of the *Residential Tenancies Act*. In my opinion, it is not fair to consider the remedy of termination when the respondent has not been made aware that the landlord will be seeking that remedy. It is entirely possible that the respondent chose not to appear at the hearing because she did not dispute the allegations contained in the application and was prepared to accept without dispute the remedies sought by the landlord.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$1440.

An order shall issue requiring the respondent to pay the rent arrears and to pay future rent on time.

Hal Logsdon
Rental Officer