

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **JOHN WIEDEMAN**, 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:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

JOHN WIEDEMAN

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 dollars (\$1400.00).
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 3rd day of May, 2007.

Hal Logsdon
Rental Officer

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BETWEEN:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

JOHN WIEDEMAN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 25, 2007

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Darrin Holmes, representing the applicant

Date of Decision: April 25, 2007

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail to his usual address. The applicant testified that the respondent was still in possession of the premises. The respondent 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 to pay future rent on time.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$1500.

The applicant has applied a flat rate penalty of \$25 for late rent on four occasions. Section 41 of the *Residential Tenancies Act* sets out the provisions for late rent penalties.

41(2) A tenant who pays his or her rent later than the dates specified by the tenancy agreement is liable to a penalty.

(3) The penalty referred to in subsection (2) is calculated for each day that the rent is late by multiplying

(a) the rent due,

by

(b) the bank deposit rate on deposit receipts for 30 days, as determined and published by the Bank of Canada in the periodic publication entitled the *Bank of Canada Review*, in effect on January 1 in the year that the late payment is calculated,

and the total is divided by 365.

The current interest rate is 4.33%. The four penalties totalling \$100 applied by the applicant are not in accordance with the Act and are therefore denied.

I find the respondent in breach of his obligation to pay rent and find the rent arrears to be \$1400.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$1400 and to pay future rent on time.

Hal Logsdon
Rental Officer