

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **RANDY KOTYLAK**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

- and -

RANDY KOTYLAK

Respondent/Tenant

INTERIM ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 206, 490 Range Lake Road, Yellowknife, NT shall be terminated on May 30, 2008 and the respondent shall vacate the premises on that date, unless payments totalling two thousand two hundred seventy five dollars (\$2275.00) are made to the applicant on or before that date.

DATED at the City of Yellowknife, in the Northwest Territories this 23rd day of May,
2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **RANDY KOTYLAK**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

RANDY KOTYLAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 20, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julia O'Brien, representing the applicant
Randy Kotylak, respondent

Date of Decision: May 20, 2008

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.

The applicant provided a statement of the rent account which indicated a balance of rent owing in the amount of \$8522.82. A previous order (filed #10-9861, filed on January 3, 2008) required the respondent to pay rent arrears in the amount of \$6747.82.

The respondent did not dispute the allegations and explained that his legal counsel was working on releasing a pension account to pay the arrears. The respondent referred to a letter from his legal counsel dated December 13, 2007 suggesting that 60-90 days would be sufficient to allow a response for the pension authorities. The respondent stated that he had not been able to contact his legal counsel until recently and was unsure why the matter was delayed or its status. He stated he planned to meet with his legal counsel immediately and asked for time to consult with her.

The applicant noted that the arrears had continued to grow since the last order was made and stated that they were no longer willing to carry the debt.

I note that the arrears have increased by \$1775 since the previous order was made. As well the

June, 2007 rent will be due in less than two weeks. The applicant has permitted the tenancy to continue to allow the respondent time to resolve this issue but after five months, the problem has only grown larger. Previous estimates of the time necessary to resolve the problem have proved to be unrealistic.

Given the magnitude of the arrears and the failure of the respondent to at least pay the full amount of the rent since the last order was issued, it is not fair to expect the applicant to continue this tenancy without a significant payment on the rent account. In my opinion, it is reasonable to adjourn this matter to June 3, 2008 but issue an order now terminating the tenancy agreement on May 30, 2008 unless payments totalling \$2275 are paid to the applicant on or before that date. This will provide a short period of time for the respondent to consult with his legal counsel without creating any undue additional loss for the applicant.

An order shall issue terminating the tenancy agreement on May 30, 2008 unless payment of at least \$2275 is made by the respondent to the applicant. The hearing will resume on June 3, 2008 at 9:30 AM at which time I will hear from the parties, make a final determination on the matter and issue a further order as required.

Hal Logsdon
Rental Officer
