

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

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 six thousand four hundred eighty two dollars and fifty cents (\$6482.50).

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of June,
2008.

Hal Logsdon
Rental Officer

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

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(the "Act");

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BETWEEN:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

RANDY KOTYLAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 3, 2008

Place of the Hearing: Yellowknife, NT

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

Date of Decision: June 11, 2008

REASONS FOR DECISION

This matter was heard on May 20, 2008 at which time an interim order was issued terminating the tenancy agreement on May 30, 2008 unless payments totalling \$2275 were paid by the respondent to the applicant. The matter was adjourned to June 3, 2008 to make a final determination of the matter.

The respondent failed to appear at the hearing on June 3, 2008 and the hearing proceeded in his absence.

The applicant provided an updated statement of the rent account which indicated that since the interim order was issued, only one payment of \$1000 had been made by the respondent. Therefore the tenancy agreement was terminated by that order on May 30, 2008 and the respondent is now overholding. There is no requirement to issue another order regarding termination. The only remaining issue is the amount of rent owing.

A previous order (file #10-9861, filed on January 3, 2008) required the respondent to pay rent arrears in the amount of \$6747.82. That order has only been partially satisfied, leaving an unsatisfied balance of \$1672.82 calculated as follows:

Previous order	\$6747.82
Amount paid since issuance	<u>(5075.00)</u>
Unsatisfied balance	\$1672.82

The applicant provided a statement of the rent account which indicated a balance of rent owing in

the amount of \$8692.82. Included in this amount is an unpaid security deposit of \$537.50. Taking into account the unpaid security deposit and the unsatisfied portion of the previous order, an order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$6482.50, calculated as follows:

Balance as per statement	\$8692.82
less outstanding portion of security deposit	(537.50)
less unsatisfied balance of previous order	<u>(1672.82)</u>
Amount of current order	\$6482.50

Hal Logsdon
Rental Officer
