

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **MICHAEL PAUL**, 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:

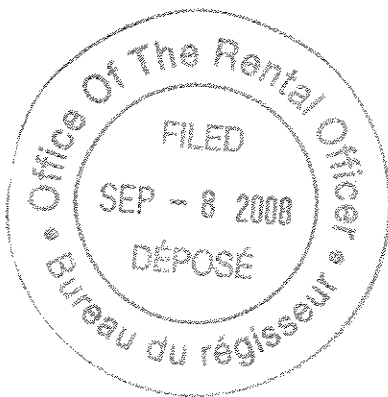
NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

MICHAEL PAUL

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 two thousand nine hundred ninety five dollars (\$2995.00).
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 September, 2008.



Hal Logsdon
Rental Officer

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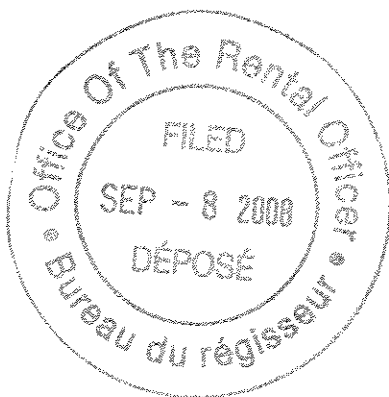
NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

MICHAEL PAUL

Respondent/Tenant



REASONS FOR DECISION

Date of the Hearing: September 2, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Connie Diener, representing the applicant
Rosetta Morales, representing the applicant
Michael Paul, respondent

Date of Decision: September 2, 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 to pay future rent on time. At the hearing, the applicant requested that the order also terminate the tenancy agreement unless the rent arrears were paid in full.

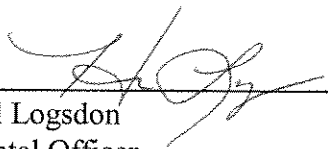
The applicant provided a statement in evidence that indicated a balance of rent owing in the amount of \$2995. The last payment of rent was made on July 11, 2008. The monthly rent for the premises is \$1165.

The respondent did not dispute the allegations.

I find the respondent in breach of his obligation to pay rent and find the rent arrears to be \$2995. The rent arrears represent over two months of overdue rent, considerably more than the security deposit held by the applicant. I also note that when the application was filed on July 15, 2008, the rent arrears were only \$665, only slightly more than half a month's rent. In my opinion, there would be reasonable grounds to consider an order terminating the tenancy agreement unless the rent arrears were promptly paid except for the fact that the applicant failed to give any indication that they intended to pursue such a remedy until the hearing was held. On the contrary, the application specifically requested only an order requiring the respondent to pay the rent arrears and to pay future rent on time. Although the application notes section 54(1)(g), the applicant did

not serve a notice of early termination which would have alerted the respondent as to the intention of the landlord to seek the termination of the tenancy agreement. Although a rental officer may issue orders that are not specifically contained in an application, in this case I do not believe it is appropriate to do so. In my opinion, there should be some indication, either on the application or by serving a notice of early termination, that the landlord intends to seek an order terminating the tenancy agreement. For these reasons I shall not consider the termination of the tenancy agreement at this time.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$2995 and to pay future rent on time. The applicant may file another application seeking termination of the tenancy agreement if the rent arrears are not paid in a timely manner.



Hal Logsdon
Rental Officer