

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **ROBERT VILLANUEVE**, 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 -

ROBERT VILLANUEVE

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 seven hundred seventy four dollars and thirty one cents (\$1774.31).
2. 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 105, 1200 Gitzel Street, Yellowknife, NT shall be terminated on May 31, 2009 and the respondent shall vacate the premises on that date, unless payments of no less than eight hundred eighty five dollars (\$885.00) are received by the applicant.

3. 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 105, 1200 Gitzel Street, Yellowknife, NT shall be terminated on June 30, 2009 and the respondent shall vacate the premises on that date, unless the balance of the rent arrears and the full amount of the rent for June, 2009 in the total amount of two thousand eight four dollars and thirty one cents (\$2084.31) are received by the applicant.

4. 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 19th day of May, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **ROBERT VILLANUEVE**, 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 REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

ROBERT VILLANUEVE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 13, 2009

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Connie Diener, representing the applicant
Robert Villanueve, respondent

Date of Decision: May 13, 2009

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 unless the arrears were paid in full.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$1774.31. The applicant stated that the security deposit had been paid in full. The monthly rent for the premises is \$1195.

The respondent did not dispute the allegations and proposed to pay \$885 of the arrears by May 31, 2009 and the balance of the arrears (\$889.31) and the full amount of the June, 2009 rent (\$1195) by June 30, 2009. The applicant agreed to the proposal and asked that an order be issued terminating the tenancy agreement on either of those dates if the agreed upon payments have not received.

I find the rent statement in order and find the respondent in breach of his obligation to pay rent. I find the rent arrears to be \$1774.31. In my opinion there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are paid in full.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$1774.31 and terminating the tenancy agreement on May 31, 2009 unless a payment of at least \$885 is received

by the applicant and on June 30, 2009 unless the balance of the rent arrears (\$889.31) and the rent for June, 2009 (\$1195) have been paid in full. The order shall also require the respondent to pay future rent on time.

This decision was made known to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer