

IN THE MATTER between **HAY RIVER MOBILE HOME PARK LTD.**, Applicant,
and **BRENDA MATTO**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **HAY RIVER, NT.**

BETWEEN:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

- and -

BRENDA MATTO

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 eight thousand five hundred ninety two dollars and twenty three cents (\$8592.23).
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 51-61 Woodland Drive, Hay River, NT shall be terminated on March 4, 2013 and the respondent shall vacate the premises on that date unless the rent arrears and the rents for December, 2012 and January and February, 2013 in the total amount of nine thousand three hundred seventy

two dollars and twenty three cents (\$9372.23) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of
December, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **HAY RIVER MOBILE HOME PARK LTD.**, Applicant,
and **BRENDA MATTO**, 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:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

-and-

BRENDA MATTO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 27, 2012

Place of the Hearing: Hay River, NT via teleconference

Appearances at Hearing: Michelle Schaub, representing the applicant

Date of Decision: November 27, 2012

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing there was no confirmation of receipt but the respondent was provided with a notice from Canada Post on November 5, 2012 that an item was available for pick up. The respondent failed to appear at the hearing. In my opinion it is reasonable to deem the Notice of Attendance served in accordance with section 71(5) of the *Residential Tenancies Act*. The matter was heard in the absence of the respondent.

The rental premises consist of a lot in a mobile home park. The applicant alleged that the respondent had failed 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 in evidence which indicated a balance of rent owing as at September 12, 2012 of \$8072.23. The applicant testified that since that date, the October and November rents of \$260/month had come due and no payments had been received, bringing the balance owing to \$8592.23. The applicant sought an order for that amount.

A previous order (file #10-10867, filed on September 2, 2009) has been satisfied.

I find the statement in order and find the respondent in breach of her obligation to pay rent. I find the rent arrears to be \$8592.23. In my opinion, there are sufficient grounds to terminate the

tenancy agreement unless the rent arrears are paid.

Section 54(2) of the *Residential Tenancies Act* prohibits the termination of a tenancy agreement by order for a mobile home lot during the months of December, January and February.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$8592.23 and terminating the tenancy agreement on March 4, 2013 unless the rent arrears and the rents for December, 2012 and January and February, 2013 in the total amount of \$9372.23 are paid in full. I calculate that amount as follows:

Rent arrears as at November 27, 2012	\$8592.23
December, 2012 rent	260.00
January, 2013 rent	260.00
February, 2013 rent	<u>260.00</u>
Total	\$9372.23

Hal Logsdon
Rental Officer