

IN THE MATTER between **6165 NWT LTD.**, Applicant, and **JOE OTOKIAK AND RITA BANKSLAND**, Respondents;

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 **YELLOWKNIFE, NT.**

BETWEEN:

6165 NWT LTD.

Applicant/Landlord

- and -

JOE OTOKIAK AND RITA BANKSLAND

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of four thousand five hundred fifty seven dollars (\$4557.00).
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 D, 3533 McDonald Drive, Yellowknife, NT shall be terminated on March 31, 2014 and the respondents shall vacate the premises on that date, unless the rent arrears and the outstanding security deposit in the total amount of five thousand six hundred ninety dollars and thirty three cents (\$5690.33) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of March, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **6165 NWT LTD.**, Applicant, and **JOE OTOKIAK AND RITA BANKSLAND**, Respondents.

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:

6165 NWT LTD.

Applicant/Landlord

-and-

JOE OTOKIAK AND RITA BANKSLAND

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: March 12, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Constantina Tsetsos, representing the applicant

Date of Decision: March 12, 2014

REASONS FOR DECISION

The respondents were served with a Notices of Attendance by email. Mr. Otokiak contacted the rental officer on March 6, 2014 and asked for the hearing to be held after 4:00 PM. The hearing was postponed to 4:00 PM and Mr. Otokiak was advised that the hearing would proceed without him if he did not appear by 4:30 PM. The respondent failed to appear and the hearing proceeded in his absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondents. The applicant also alleged that the respondents had failed to provide the full amount of the required security deposit.

The applicant provided a statement of the rent account which indicated a balance of rent owing of \$4600. The monthly rent for the premises is noted on the tenancy agreement as \$1900 but the applicant stated that they had reduced it to \$1800. The required security deposit is \$1700. The applicant testified that only \$566. 67 had been received, leaving \$1133.33 due. The tenancy agreement commenced on December 1, 2013.

Included in the balance of rent was a \$50 charge for a returned cheque. The applicant stated that they were charged \$7 by the bank but charged a fee of \$50 to the tenant. In my opinion, this charge is tantamount to a penalty. I shall permit the charge of \$7 only.

I find the respondents in breach of their obligation to pay rent and their obligation to pay the full amount of the required security deposit. I find the rent arrears to be \$4557 and the remaining balance of the security deposit to be \$1133.33. In my opinion there are sufficient grounds to terminate the tenancy agreement unless the rent arrears and the balance of the security deposit are promptly paid.

An order shall issue requiring the respondents to pay the applicant rent arrears of \$4557 and terminating the tenancy agreement on March 31, 2014 unless the rent arrears and the outstanding security deposit in the total amount of \$5690.33 are paid in full.

A eviction order to be effective on April 1, 2014 unless the rent arrears and security deposit totalling \$5690.33 are paid in full on or before March 31, 2014 shall be issued separately.

Hal Logsdon
Rental Officer