

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Carlana Mantla**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the city of Yellowknife in the Northwest Territories**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

CARLENA MANTLA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$7,187.48 (seven thousand one hundred eighty-seven dollars forty-eight cents).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as apartment 107 at 492 Range Lake Road in Yellowknife, Northwest Territories, is terminated on May 15, 2014, and the respondent must vacate the rental premises on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of April 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Carlena Mantla**, 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

CARLENA MANTLA

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 2, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Marie Laberge, representing the applicant
<u>Date of Decision:</u>	April 2, 2014

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Carlena Mantla as the respondent/tenant was filed by the Rental Office January 30, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as apartment 107 at 492 Range Lake Road in Yellowknife, Northwest Territories. The applicant served a copy of the filed application package on the respondent by registered mail signed for February 6, 2014.

The applicant alleged the respondent had been repeatedly late paying her rent and had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 2, 2014. Ms. Marie Laberge appeared representing the applicant. A notice of attendance was sent to the respondent by registered mail March 18, 2014. Pursuant to section 71(5) of the *Residential Tenancies Act* (the Act), the notice was deemed served March 25, 2014. Ms. Carlena Mantla did not appear at hearing, nor did anyone appear to represent her. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Ms. Laberge testified that Ms. Mantla had been in a tenancy agreement with the applicant since October 16, 2012. Ten non-consecutive months' rent was paid in full by income support; five non-consecutive months' rent were partially paid by income support; no monies were received from income support for four non-consecutive months. At no time throughout the tenancy did Ms. Mantla make any direct payments of her own towards her rent. Minimal late payment penalties were applied by the applicant throughout the tenancy. The security deposit was paid in full by income support, with the last installment being received by the applicant December 5, 2012. Ms. Laberge testified the total accumulated rental arrears as of April 2, 2014, were \$7,187.48 and requested an order for payment of the rental arrears.

Ms. Laberge further testified that Ms. Mantla had attended the applicant's office once during the tenancy, in January 2014, to pay for a new mail key. Ms. Mantla has not responded either directly or indirectly to the applicant's requests for settlement of the rental arrears. The rental arrears are of a significant amount and the lack of communication from Ms. Mantla does not give the applicant confidence that the rent will be paid. The evidence has been presented establishing the repeatedly late payment of rent. On these grounds, the applicant is requesting an order for termination of the tenancy and eviction.

Tenancy agreement

The lease agreement entered into evidence is dated October 16, 2012, for a fixed-term tenancy beginning November 1, 2012, to October 30, 2013, after which the tenancy was automatically renewed on a month-to-month basis. The agreement identified the amount of the rent to be paid and that it was due the first of the month. I am satisfied a valid tenancy agreement was made between the parties and that the tenant was aware of her obligations with respect to paying the rent.

Rental arrears

The resident ledger entered into evidence represents the landlord's accounting of rent and late payment penalty charges and any payments made against the account. I am satisfied the ledger is accurate and I find Ms. Mantla has accumulated rental arrears in the amount of \$7,187.48.

Termination of the tenancy agreement and eviction

The resident ledger supports the allegation that the payments for rent were received late every month since the commencement of the tenancy. The failure of the tenant to ensure the rent was paid in full when it was due is a further indication of whether or not it is likely she will pay her future rent as well. The current arrears are substantial, representing approximately 4.5 months' rent. I am satisfied termination of the tenancy agreement is warranted in this instance and eviction is justified.

An order will issue for Ms. Mantla to pay rental arrears in the amount of \$7,187.48, terminating the tenancy agreement May 15, 2014, and evicting Ms. Mantla from the rental premises May 16, 2014, if she has not already vacated the rental premises on or before May 15, 2014. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger for October 16, 2012, to February 1, 2014

Exhibit 2: Lease dated October 16, 2012

Exhibit 3: Resident ledger for October 16, 2012, to April 1, 2014