

IN THE MATTER between **Satdeo Inc.**, Applicant, and **Kim Giroux**, 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 town of Hay River in the Northwest Territories.**

BETWEEN:

SATDEO INC.

Applicant/Landlord

- and -

KIM GIROUX

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 \$1,222.00 (one thousand two hundred twenty-two dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 28th day of July 2014.

Adelle Guigon
Deputy Rental Officer

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-and-

KIM GIROUX

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REASONS FOR DECISION

Date of the Hearing: July 18, 2014
Place of the Hearing: Hay River, Northwest Territories
Appearances at Hearing: Malay Das, representing the applicant
Date of Decision: July 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Satdeo Inc. as the applicant/landlord against Kim Giroux as the respondent/tenant was filed by the Rental Office May 28, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as #302, 3 Capital Drive, in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent June 30, 2014.

The applicant alleged the respondent had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for July 18, 2014. Mr. Malay Das appeared representing the applicant. Ms. Kim Giroux was sent a notice of attendance by registered mail deemed served July 9, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. Giroux did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in Ms. Giroux's absence pursuant to section 80(2) of the Act.

Mr. Das testified that the oral tenancy agreement with Ms. Giroux originally set the monthly rent amount at \$1,300 due the first of each month. A reduction to the rent to \$1,200 was later agreed to as compensation to the tenant for a toilet that needs repair; the toilet has not yet been repaired, therefore, the monthly rent currently remains at \$1,200.

At the time of filing the application to a rental officer, Ms. Giroux had not paid her rent for May 2014; a notice of rental arrears was given to Ms. Giroux on May 6th, which also advised of an assessment of late payment penalty in the amount of \$50 for each month of delay in paying the rent. As of the date of this hearing, Ms. Giroux had paid her rent for May and June, however, the rent for July remained outstanding. Mr. Das requested an order for the payment of rental arrears and indicated he would be satisfied with the application of late payment penalties for July only.

I am satisfied that Ms. Giroux has accumulated rental arrears as of July 18, 2014, in the amount of \$1,200 representing the rent for July 2014. I am also satisfied the application of late payment penalties for the July rent is reasonable.

Section 41(2) of the Act specifies a tenant's liability for penalties for late payment of rent calculated in accordance with the *Residential Tenancies Regulations* (the regulations). Section 3 of the regulations directs the calculation of late payment penalties to not exceed \$5 plus \$1 for each day after the due date that the rent is late, to a maximum of \$65. Accepting that the rent for July has not been made as of the date of this hearing (July 18th), the proper calculation of late payment penalties is as follows:

July 1 to 18 = \$5 + \$17	\$22.00
TOTAL LATE PAYMENT PENALTIES	\$22.00

I find Ms. Giroux has accumulated rental arrears in the amount of \$1,2228; an order will issue requiring Ms. Giroux to pay the rental arrears and to pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's correspondence to respondent dated May 6, 2014