

IN THE MATTER between **HRMHPL**, Applicant, and **AB**, 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**, Rental Officer,

BETWEEN:

HRMHPL

Applicant/Landlord

-and-

AB

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 7, 2016
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	CB, representing the applicant
<u>Date of Decision:</u>	September 7, 2016

REASONS FOR DECISION

An application to a rental officer made by HRMHPL as the applicant/landlord against AB as the respondent/tenant was filed by the Rental Office May 16, 2016. The application was made regarding a residential tenancy agreement for a mobile home lot located in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for May 31, 2016.

The applicant alleged the respondent had failed to remove his mobile home from the rental premises in accordance with a rental officer order terminating his tenancy agreement, had repeatedly failed to pay overholding rent, and had accumulated overholding rental arrears. An order was sought for payment of the overholding rental arrears and eviction.

A hearing was scheduled for September 7, 2016, by three-way teleconference. Ms. CB appeared representing the applicant. Mr. AB was served notice of the hearing by registered mail signed for August 29, 2016, and by email confirmed received August 17, 2016. The respondent did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order number 10-11740 dated November 20, 2010, required the respondent to pay rental arrears in the amount of \$1,825 and to pay his rent on time in the future.

Rental Officer Order Number 10-12614 dated February 10, 2012, required the respondent to pay rental arrears in the amount of \$2,260 and terminated his tenancy agreement March 15, 2012, unless the rental arrears were paid in full.

Rental Officer Order Number 10-12890 dated June 27, 2012, found the respondent's tenancy agreement had been terminated March 15, 2012, in accordance with paragraph 2 of Rental Officer Order Number 10-12614 as a consequence of the respondent failing to pay his rental arrears in full. Rental Officer Order Number 10-12890 ordered the respondent to pay additionally accumulated rental arrears and overholding rental arrears in the total amount of \$1,040, ordered the respondent to pay \$8.39 for each day he remains in possession of the rental premises, and ordered the respondent evicted from the rental premises on July 10, 2012.

Rental Officer Order Number 10-13772 dated May 28, 2014, found the respondent remained in overholding possession of the rental premises and ordered the respondent to pay overholding rental arrears in the amount of \$4,141.74 and that the respondent be evicted from the rental premises on June 30, 2014.

Tenancy agreement and abandoned personal property

The applicant's representative testified and the above mentioned rental officer orders establish a residential tenancy agreement between the parties for a mobile home lot commencing July 18, 2005, and ending March 15, 2012. The applicant's representative testified that the mobile home has not been occupied since at least February 2016 and as such has been deemed by the landlord to be abandoned. As the respondent is no longer occupying the mobile home an eviction order is not necessary. It was agreed that the appropriate way to address the abandoned mobile home trailer would be under sections 64 and 65 of the Act. Permission to dispose of the abandoned mobile home trailer will be forwarded to the applicant under separate cover.

Rental arrears

The applicant's representative testified and provided evidence establishing that additional overholding rental arrears have accumulated since the last rental officer order was issued. I am satisfied the respondent has repeatedly failed to pay overholding rent and I find the respondent has accumulated additional overholding rental arrears since May 2014 in the amount of \$7,170.21.

Orders

An order will issue requiring the respondent to pay overholding rental arrears in the amount of \$7,170.21.

Adelle Guigon
Rental Officer