

IN THE MATTER between **HRMHPL**, Applicant, and **BJ**, 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-

BJ

Respondent/Tenant

REASONS FOR DECISION

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| <u>Date of the Hearing:</u> | October 4, 2016 |
| <u>Place of the Hearing:</u> | Fort Smith, Northwest Territories |
| <u>Appearances at Hearing:</u> | CB, representing the applicant |
| <u>Date of Decision:</u> | October 4, 2016 |

REASONS FOR DECISION

An application to a rental officer made by HRMHPL as the applicant/landlord against BJ 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 Fort Smith, Northwest Territories. The applicant sent a copy of the filed application to the respondent's last known address by registered mail deemed served June 2, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondent had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for October 4, 2016, in Fort Smith, Northwest Territories. The rental officer appeared by telephone. Ms. CB appeared by telephone representing the applicant. Mr. BJ was sent notice of the hearing to his last known address by registered mail deemed served September 15, 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 Act.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for a mobile home lot commencing November 4, 2008. Since filing of the application, the applicant's representative learned that the mobile home had been abandoned on the rental premises for more than two years. Neighbours advised the applicant's representative that they had not seen the respondent since about February 2014. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act. I am satisfied the respondent has abandoned the mobile home on the rental premises lot, effectively ending the tenancy agreement in February 2014.

Rental arrears

The applicant's representative testified and provided evidence establishing that the respondent had accumulated rental arrears since November 2013. The last payment received on the account was recorded February 6, 2014, in the amount of \$260.

Although the respondent abandoned the rental premises in February 2014, he failed to notify the landlord of his departure and left his mobile home on the rented lot. As such, the respondent remains liable for overholding rent for the months of March 2014 through October 2016.

I am satisfied the respondent has repeatedly failed to pay rent and has accumulated substantial rental arrears. An order will issue requiring the respondent to pay rental arrears in the amount of \$9,820.

Adelle Guigon
Rental Officer