

IN THE MATTER between **NPRLP**, Applicant, and **KM**, 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:

NPRLP

Applicant/Landlord

-and-

KM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 22, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: BL, representing the applicant
RP, representing the applicant

Date of Decision: March 14, 2017

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the applicant/landlord against KM as the respondent/tenant was filed by the Rental Office October 19, 2016. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for October 27, 2016.

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

A hearing was scheduled for February 22, 2017, in Yellowknife, Northwest Territories. BL and RP appeared representing the applicant. KM was served notice of the hearing by registered mail signed for February 3, 2017. The respondent did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representatives testified and evidence was presented establishing a residential tenancy agreement between the parties commencing August 7, 2014. The tenancy agreement was signed by KM and Kenneth Menacho as joint tenants. KM confirmed by telephone subsequent to the hearing that although Kenneth Menacho has yet to be removed from the tenancy agreement, he ceased occupying the rental premises in December 2016. KM accepts responsibility for the tenancy agreement as the sole remaining tenant. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. The monthly rent was established at \$1,620. Late payment penalties applied against the account have been calculated in accordance with the Act. The last two payments received against the account were recorded February 1, 2017, in the amount of \$300 and December 22, 2016, in the amount of \$400.

I am satisfied the resident ledgers accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay her rent and has accumulated rental arrears in the amount of \$7,959.

Termination of the tenancy agreement and eviction

In consideration of the respondent's repeated failure to pay her rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, in an effort to provide the respondent with an opportunity to resolve the matter I am prepared to order the termination and eviction conditional on the payment of the rental arrears in full and the payment of future rent on time.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$7,959; requiring the respondent to pay her rent on time in the future; terminating the tenancy agreement May 31, 2017, unless the rental arrears are paid in full and the rents for March, April, and May are paid on time; and evicting the respondent from the rental premises June 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer