

IN THE MATTER between **LC**, Applicant, and **WL and DZ**, 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:

LC

Applicant/Landlord

-and-

WL and DZ

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 22, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: LC, representing the applicant

Date of Decision: February 22, 2017

REASONS FOR DECISION

An application to a rental officer made by LC as the applicant/landlord against WL and DZ as the respondents/tenants was filed by the Rental Office October 26, 2016. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The applicant served the filed application on the respondents by email deemed received December 14, 2016, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had failed to pay their utility bill with the City of Yellowknife resulting in the transfer of the balance owing to the applicant's tax account. An order was sought for payment of the utilities arrears.

A hearing was scheduled for February 22, 2017, in Yellowknife, Northwest Territories. LC appeared representing the applicant. WL and DZ were served notices of the hearing by email deemed received February 3, 2017. Neither of the respondents appeared at the hearing, nor did anyone appear on their behalf. The hearing proceed in the respondents' absences pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 10-15116 dated August 9, 2016, required the respondents to pay costs for cleaning in the amount of \$325 and costs to refill the fuel tank at the end of the tenancy in the amount of \$566.43.

Tenancy agreement

The applicant testified that a written residential tenancy agreement was in place between the parties commencing November 1, 2015, which ended when the respondents vacated the rental premises February 29, 2016. This tenancy agreement was previously established at the hearing from which Rental Officer Order Number 10-15116 was issued. I am satisfied a valid tenancy agreement between the parties was in place in accordance with the Act.

Utilities

As previously established at the hearing from which Rental Officer Order Number 10-15116 was issued, section 5 of the tenancy agreement specifies the tenants' responsibility for utilities, including water. The applicant provided the City of Yellowknife utility bill for the rental premises for the period ending February 29, 2016, reflecting an amount owing as of March 10, 2016, of \$671.72.

In August 2016, the applicant sold the rental premises. Before the sale could be completed, the applicant was required to resolve the outstanding utility account. By August 31, 2016, the utility account had accrued additional late payment penalties from the City of Yellowknife resulting in a total amount owing of \$765.34. The applicant provided evidence of having paid this account in full.

I am satisfied the utility bill and corresponding cheque payment accurately reflect the status of the respondents' outstanding utility account as of August 31, 2016. I find the respondents have failed to comply with their obligation to pay their utility bill and have accumulated arrears in the amount of \$765.34.

Order

An order will issue requiring the respondents to compensate the applicant for the utilities arrears in the amount of \$765.34.

Adelle Guigon
Rental Officer