

IN THE MATTER between **YKDPM**, Applicant, and **KN**, 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:

YKDPM

Applicant/Landlord

-and-

KN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 18, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CW, representing the applicant
KN, respondent

Date of Decision: April 18, 2017

REASONS FOR DECISION

An application to a rental officer made by YKDPM as applicant/landlord against KN as respondent/tenant was filed by the Rental Office January 24, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was personally served on the respondent January 27, 2017.

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, that future rent be paid on time, and for termination of the tenancy agreement.

A hearing was scheduled for April 18, 2017, in Yellowknife, Northwest Territories. CW appeared representing the applicant. KN appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them commencing October 1, 2016. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The tenant aged detail entered into evidence represents the landlord's accounting of monthly rents and payments made against the respondent's rent account as of January 23, 2017. The applicant's representative testified that since January 23, 2017, the rental arrears had increased to \$1,112.69. The rent was established at \$1,450 per month, as such the rental arrears claimed represent less than one month's rent.

The respondent did not dispute the accuracy of the applicant's accounting and agreed that his current rental arrears amount to \$1,112.69. The respondent explained that he had back surgery in November 2016 which temporarily prevented him from working. He has started receiving income assistance through the Northwest Territories Housing Corporation's Transitional Rent Supplement Program (TRSP), which pays a portion of the rent directly to the landlord on behalf of the tenant. The respondent acknowledged his debt and accepts responsibility for it; he was aware of the arrears and is not trying to avoid them. The respondent is committed to resolving the arrears and ensuring his future rent is paid in full and on time.

I am satisfied the landlord's accounting of rental arrears to date is accurate. I find the respondent has repeatedly failed to pay his rent on time and has accumulated rental arrears in the amount of \$1,112.69.

Termination of the tenancy agreement

In light of the respondent's repeated failure to pay his rent on time and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement is justified. In consideration of the respondent's current circumstances and the recent positive efforts that have been made to resolve the debt, the applicant's representative was agreeable to termination of the tenancy agreement being conditional on the respondent paying a set amount towards the rental arrears and paying his future rent on time.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$1,112.69;
- requiring the respondent to pay his future rent on time; and
- terminating the tenancy agreement August 31, 2017, unless at least \$500 is paid towards the rental arrears and the rents for May, June, July, and August are paid on time.

Adelle Guigon
Rental Officer