

IN THE MATTER between **SI**, Applicant, and **PW**, 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:

SI

Applicant/Landlord

-and-

PW

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 20, 2017

Place of the Hearing: Hay River, Northwest Territories

Appearances at Hearing: BM, representing the applicant

Date of Decision: June 26, 2017

REASONS FOR DECISION

An application to a rental officer made by SI as the applicant/landlord against PW as the respondent/tenant was filed by the Rental Office February 2, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The filed application was personally served on the respondent February 8, 2017.

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

A hearing was scheduled for April 20, 2017, in Hay River, Northwest Territories. The Rental Officer appeared by telephone. BM appeared representing the applicant. PW was served notice of the hearing by registered mail deemed served April 7, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondent failed to appear at the 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 that the parties had entered into a tenancy agreement commencing April 21, 2015. The applicant's representative implied that there may be a written tenancy agreement and was tasked with providing a copy of it. Despite having failed to do so, I am satisfied that the respondent did take occupancy of the rental premises on or about April 21, 2015, and that a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

A spreadsheet statement of account was entered into evidence representing the monthly rent and payments made against the respondent's rent account. The statement covers the period from April 21, 2015, to November 2016. The rent was established at \$1,200 per month. The last three payments received against the account were recorded: August 8, 2016 in the amount of \$2,000; March 21, 2016, in the amount of \$1,300; and February 26, 2016, in the amount of \$1,000.

I am satisfied the payments received against the respondent's rent account are accurately reflected in the statement. I find the respondent has repeatedly failed to pay the full amount of his rent when due.

The applicant's representative was tasked with providing an updated statement of account. Having failed to do so, I can only determine the rental arrears and late payment penalties accumulated as of November 30, 2016 as referenced by the statement of account provided with the application to a rental officer. I find the respondent has accumulated rental arrears in the total amount of \$11,700.

Termination of the tenancy agreement and eviction

Based on the respondent's repeated failure to pay his rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$11,700;
- terminating the tenancy agreement July 31, 2017; and
- evicting the respondent from the rental premises August 1, 2017.

Adelle Guigon
Rental Officer