

IN THE MATTER between **SI**, Applicant, and **VMB**, 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-

VMB

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 6, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: BM, representing the applicant
VMB, respondent

Date of Decision: July 6, 2017

REASONS FOR DECISION

An application to a rental officer made by SI as the applicant/landlord against VMB 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 9, 2017.

The applicant alleged the respondent had repeatedly failed to pay rent, had failed to comply with a rental officer order to pay future rent on time, and had accumulated rental arrears. An order was sought for payment of rental arrears and termination of the tenancy agreement.

A hearing was originally scheduled for April 20, 2017, which was adjourned *sine die* at the request of the respondent. The hearing was re-scheduled for June 7, 2017, which was again adjourned *sine die* at the request of the respondent, peremptory on the respondent. The hearing was finally re-scheduled for July 6, 2017, by three-way teleconference. BM appeared representing the applicant. VMB appeared as respondent.

Preliminary matters

The application to a rental officer identified the respondent as Vita Morin. At hearing, the respondent identified her full legal name as VMB and requested the application be amended accordingly. The applicant's representative acknowledged the oversight and agreed to the amendment of the application. The application was so amended and the style of cause going forward will identify the respondent/tenant as VMB.

Tenancy agreement

The parties agreed that an oral residential tenancy agreement had been entered into between them commencing in October 2014. The respondent vacated the rental premises January 26, 2017, without notice. The applicant did not become aware that the respondent had vacated the premises until February 6, 2017. I am satisfied a valid tenancy agreement was in place in accordance with the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 10-14976 dated March 16, 2016, required the respondent to pay rental arrears in the amount of \$4,025 in minimum monthly installments of \$500 starting in April 2016, required the respondent to pay her rent on time in the future, and terminated the tenancy agreement June 30, 2016, unless the monthly rents and minimum monthly installments for April, May, and June were paid on time. These rental arrears were paid in full by June 12, 2016.

Rental arrears

The rent ledger entered into evidence represents the landlord's accounting of monthly rent and payments received against the respondent's rent account. The current rent was established at \$900 per month. The last payment recorded against the rent account was made June 15, 2016, in the amount of \$900.

The respondent did not dispute that she had vacated the rental premises without notice. The respondent did not dispute her responsibility for the February 2017 rent. Although the respondent did not dispute that she has failed to pay her rent, she did dispute that the rent ledger accurately represented all payments she has made against her account. The respondent identified one payment made in July 2016 in the amount of \$950 did not appear on the rent ledger. The applicant's representative could neither confirm nor deny that the payment had been made, agreeing to adjust the balance of rental arrears to reflect the \$950 payment claimed by the respondent. The respondent did not dispute the accuracy of the amended rent ledger, acknowledging her debt and accepting responsibility for it.

I am satisfied the amended rent ledger accurately reflects 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 \$7,175.

Order

An order will issue requiring the respondent to pay rental arrears in the amount of \$7,175.

Adelle Guigon
Rental Officer