

IN THE MATTER between **WA**, Applicant, and **SA**, 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:

WA

Applicant/Landlord

-and-

SA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 25, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: PS, representing the applicant

Date of Decision: April 25, 2017

REASONS FOR DECISION

An application to a rental officer made by TPM on behalf of WA as the applicant/landlord against SA as the respondent/tenant was filed by the Rental Office March 1, 2017. The application was made regarding a residential tenancy agreement for a rental premise located in Yellowknife, Northwest Territories. The filed application was served on the respondent by email deemed received March 5, 2017, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondent had failed to pay for utilities as required and sought an order for payment of the outstanding amounts.

A hearing was scheduled for April 25, 2017, in Yellowknife. PS appeared representing the applicant. SA was served notice of the hearing by email deemed received April 10, 2017, pursuant to section 4(4) of the Regulations. 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).

Preliminary matters

An prior application to a rental officer (file number 15409) was originally made against the respondent regarding two separate residential tenancies with two separate landlords for two separate rental premises. It was identified at the hearing for file number 15409 that separate applications must be made for each landlord. The applicant's representative agreed to withdraw the landlord WA from the application file number 15409, opting to proceed with that hearing regarding the remaining landlord's tenancy. This application file number 15584 is the new application made on behalf of WA. Under the circumstances, I am satisfied it would not be unfair to grant an extension to the time for making an application pursuant to section 68(3) of the Act.

Tenancy agreement

Although a copy of the written tenancy agreement was not provided into evidence, the applicant's representative testified the respondent had entered into a fixed-term tenancy agreement commencing August 31, 2015, and ending June 30, 2016. The applicant's representative further testified that on June 30, 2016, the respondent had been transferred to another rental premises for which she entered into a new tenancy agreement with a different landlord. I am satisfied a valid tenancy agreement was in place between the applicant and respondent in accordance with the Act.

Utilities

The applicant's representative testified that a condition of the tenancy agreement specified the respondent's responsibility to pay for utilities for the rental premises, including water and propane. Evidence was presented establishing that the respondent failed to pay the water bill in full or on time throughout the tenancy and as of June 30, 2016, had accumulated arrears in the amount of \$128.54. Evidence was also presented establishing that the respondent had failed to have the propane refilled at the end of the tenancy amounting to \$281.33. The applicant has since paid those two bills on behalf of the respondent and is now seeking compensation for those amounts.

I find the respondent has failed to comply with her obligation to pay her utilities. I am satisfied the applicant incurred the costs associated with resolving the debts for the water bill and propane bill for the rental premises. I find the respondent liable to the applicant for utilities arrears in the total amount of \$409.87.

Order

An order will issue requiring the respondent to pay to the applicant costs of utilities arrears in the total amount of \$409.87.

Adelle Guigon
Rental Officer