

IN THE MATTER between **NPRLP**, Applicant, and **BE and KL**, Respondents.

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:

NPRLP

Applicant/Landlord

-and-

BE and KL

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 16, 2017
Place of the Hearing: Yellowknife, Northwest Territories
Appearances at Hearing: BL, representing the applicant
Date of Decision: August 16, 2017

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the applicant/landlord against BE and KL as the respondents/tenants was filed by the Rental Office June 13, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was served on the respondents by email deemed received June 23, 2017, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had repeatedly caused disturbances to other tenants' enjoyment or possession of the rental premises and residential complex, had repeatedly failed to pay rent, and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for August 16, 2017, in Yellowknife. BL appeared representing the applicant. BE and KL were served with notices of attendance by email deemed received June 23, 2017, pursuant to section 4(4) of the Regulations. The respondents did not appear at the hearing, nor did anyone appear on the respondents' behalf. The hearing proceeded in the respondents' absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties commencing April 1, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rent, late payment penalties, and payments received against the respondents' rent account. Rent was established at \$1,365 per month. The late payment penalties were calculated in accordance with the Act and Regulations. The last payment received against the rent account was recorded April 4, 2017, in the amount of \$974.50.

I am satisfied the rent ledger accurately reflects the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay their rent and have accumulated rental arrears in the amount of \$5,420.50.

Disturbances

The applicant's representative testified to having received multiple complaints throughout the respondents' short tenancy of disturbances. The disturbances consist of noise, partying, and fighting coming from the respondents' premises. These disturbances have been continuous and have interrupted other tenants' enjoyment or possession of the rental premises and residential complex.

I am satisfied the respondents have caused or permitted their guests to cause disturbances within the rental premises and residential complex. I find the respondents have repeatedly failed to comply with their obligation not to disturb other tenants' enjoyment or possession of the rental premises and residential complex.

Termination of the tenancy agreement and eviction

The respondents repeated failure to pay their rent and the substantial amount of rental arrears accumulated alone justify termination of the tenancy agreement and eviction. The repeated and ongoing disturbances throughout the tenancy reinforce that justification.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$5,420.50;
- terminating the tenancy agreement August 31, 2017;
- evicting the respondents from the rental premises September 1, 2017; and
- requiring the respondents to pay compensation for use and occupation of the rental premises at a rate of \$44.88 for each day they remain in the rental premises after August 31, 2017.

Adelle Guigon
Rental Officer