

IN THE MATTER between **ARELP**, Applicant, and **DK and VK**, 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:

ARELP

Applicant/Landlord

-and-

DK and VK

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 18, 2017
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	BD, representing the applicant
<u>Date of Decision:</u>	October 18, 2017

REASONS FOR DECISION

An application to a rental officer made by ARELP as the applicant/landlord against DK and VK as the respondents/tenants was filed by the Rental Office June 9, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Liard, Northwest Territories. The filed application was served on the respondents by registered mail signed for June 26, 2017. They were again personally served with another copy of the filed application on October 12, 2017.

The applicant alleged the respondents had repeatedly failed to pay rent, had failed to comply with a rental officer order, 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 October 18, 2017, by three-way teleconference. BD appeared representing the applicant. DK and VK were sent notices of the hearing by registered mail deemed served October 2, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the respondents' absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties commencing March 1, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Rental Officer Order Number 15307 dated November 16, 2016, required the respondents to pay rental arrears in the amount of \$8,650, required the respondents to pay their future rent on time, terminated the tenancy agreement February 28, 2017, unless the rental arrears were paid in full and the rents for December, January, and February were paid on time, and evicted the respondents from the rental premises March 1, 2017, if the termination of the tenancy agreement became effective.

Rental arrears

The applicant's representative testified and provided evidence establishing that the respondents had failed to comply with the previous rental officer order to pay their rent on time and to pay the rental arrears. The rent was established at \$1,000 per month. The last three payments received against the rent account were recorded: June 20, 2017, in the amount of \$250; September 5, 2017, in the amount of \$580; and October 17, 2017, in the amount of \$640.

I am satisfied the applicant's accounting of rental arrears is accurate. I find the respondents have repeatedly failed to pay their rent. I find the respondents have repeatedly failed to comply with a rental officer order to pay their rental arrears and to pay their future rent on time. I find the respondents have accumulated rental arrears to date in the total amount of \$10,530. Given that the last rental officer order remains enforceable with respect to the monetary order by filing it with the Supreme Court of the Northwest Territories before November 2019, and that I do not have authority to rescind previous rental officer orders, the order issued today will be for the rental arrears accumulated since the last order was issued, which amounts to \$1,880.

Termination of the tenancy agreement and eviction

In light of the respondents' continued repeated failure to pay their rent and the substantial amount of total rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$1,880;
- terminating the tenancy agreement October 31, 2017;
- evicting the respondents from the rental premises November 1, 2017; and
- requiring the respondents to pay compensation for use and occupation of the rental premises at a rate of \$32.88 for each day they remain in the rental premises after October 31, 2017.

Adelle Guigon
Rental Officer