

IN THE MATTER between **BP**, Applicant, and **SM**, 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:

**BP**

Applicant/Landlord

-and-

**SM**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** September 12, 2017

**Place of the Hearing:** Yellowknife, Northwest Territories

**Appearances at Hearing:** BP, applicant

**Date of Decision:** September 12, 2017

**REASONS FOR DECISION**

An application to a rental officer made by BP as the applicant/landlord against SM as the respondent/tenant was filed by the Rental Office June 30, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Smith, Northwest Territories. The filed application was served on the respondent by registered mail deemed served August 1, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act), by email deemed received July 20, 2017, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations), and again by email deemed received September 10, 2017, pursuant to section 4(4) of the Regulations.

The applicant alleged the respondent 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 September 12, 2017, by three-way teleconference. BP appeared as applicant. SM was served with notice of the hearing by registered mail deemed served August 1, 2017, pursuant to section 71(5) of the Act, by email deemed received July 20, 2017, pursuant to section 4(4) of the Regulations, and again by email deemed received September 10, 2017, pursuant to section 4(4) of the Regulations. The respondent did not 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 testified and provided evidence establishing a residential tenancy agreement between the parties commencing October 1, 2009. The respondent vacated the rental premises, ending the tenancy August 31, 2017, and rendering the applicant's request for termination and eviction no longer necessary. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

*Rental arrears*

The applicant testified and provided evidence establishing that the respondent had repeatedly failed to pay the full amount of rent when due. The rent was established at \$1,400 per month. The last payment received against the respondent's rent account was recorded February 24, 2017, in the amount of \$1,425. The total amount of rental arrears claimed amounted to \$10,175 representing approximately 7.25 months' rent.

I am satisfied the amount of rental arrears reported by the applicant is accurate. I find the respondent has accumulated rental arrears in the amount of \$10,175.

*Order*

An order will issue requiring the respondent to pay rental arrears in the amount of \$10,175.

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Adelle Guigon  
Rental Officer