

IN THE MATTER between **NPRLP**, Applicant, and **EK**, 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:

NPRLP

Applicant/Landlord

-and-

EK

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 6, 2017
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	BL, representing the applicant HC, representing the applicant CDL, representing the applicant
<u>Date of Decision:</u>	December 6, 2017

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the applicant/landlord against EK as the respondent/tenant was filed by the Rental Office September 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 respondent by email confirmed received September 25, 2017.

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 December 6, 2017, in Yellowknife. BL, HC, and CDL appeared representing the applicant. EK was served notice of the hearing by email confirmed received September 25, 2017. The respondent did not appear at the hearing, nor did anyone appear on the respondent's behalf. The hearing proceeded in the respondent's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer spelled the respondent's name as "EK". The written tenancy agreement spelled the respondent's name as "EK". The signature page of the written tenancy agreement has the respondent's name printed as "EK". Email exchanges and bankruptcy filings on file spell the respondent's name as "EK". The various spellings of the respondent's name were not discussed at hearing with the applicant's representatives. In reviewing the above mentioned materials, I am satisfied that the correct legal spelling of the respondent's name is "EK". As such, I will amend the application accordingly and the style of cause will reflect this spelling of the respondent's name.

Bankruptcy

When the respondent was served with the filed application he immediately notified both the applicant and the Rental Office that he had filed for bankruptcy. Subsequently provided bankruptcy documents confirmed the respondent had filed for bankruptcy September 22,

2017, and that an automatic discharge is scheduled for June 23, 2018. As a result, the application to a rental officer as it related to the monetary claim for rental arrears and termination of the tenancy agreement was stayed. The applicant requested the application continue to hearing to address any late rent payments or rental arrears that might accumulate after the September 22, 2017, bankruptcy filing date.

Rental arrears

At hearing the applicant's representatives testified that although the respondent was late paying his rents for October and November, they have been paid, and the rent for December was paid in full and on time. The respondent does not carry any rental arrears accumulated between September 22 and December 6, 2017. The applicant's representatives withdrew their request for payment of rental arrears, termination of the tenancy agreement, and eviction, seeking at this time only an order that future rent be paid on time.

The resident ledger included in the application package represents the landlord's accounting of monthly rents, late payment penalties, and payments received against the respondent's rent account as of August 22, 2017. The rent was established at \$1,595 per month. The late payment penalties were calculated in accordance with the *Residential Tenancies Act* (the Act). Either insufficient payments, late payments, or no payments were received in 11 of the 12 months between September 2016 and August 2017.

I am satisfied the resident ledger accurately reflects the status of the respondent's rent account as of August 22, 2017. I am satisfied that since filing for bankruptcy the respondent has not accumulated any new rental arrears. I find the respondent has repeatedly failed to pay the full amount of his rent when due.

Order

An order will issue requiring the respondent to pay his future rent on time.

Adelle Guigon
Rental Officer