

IN THE MATTER between **WDPML**, Applicant, and **LN and AI**, 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:

**WDPML**

Applicant/Landlord

-and-

**LN and AI**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** April 17, 2018

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

**Appearances at Hearing:** AW, representing the applicant

**Date of Decision:** April 17, 2018

### **REASONS FOR DECISION**

An application to a rental officer made by WDPML as the applicant/landlord against LN and AI as the respondents/tenants was filed by the Rental Office January 2, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Fort McPherson, Northwest Territories. The filed application was sent to the respondents by registered mail deemed served January 24, 2018, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondents had repeatedly failed to pay their rent, had repeatedly failed to pay utilities, and had accumulated rental and utilities arrears. An order was sought for payment of the rental and utilities arrears and termination of the tenancy agreement.

A hearing was scheduled for April 17, 2018, by three-way teleconference. AW appeared representing the applicant. LN and AI were sent notices of the hearing by registered mail deemed served January 24, 2018, pursuant to subsection 71(5) of the Act. An attempt to contact the respondents on April 11, 2018, at the telephone number provided in the application was unsuccessful due to the number no longer being in service. The respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the respondents' absence pursuant to subsection 80(2) of the Act.

#### *Tenancy agreement*

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties commencing May 4, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

#### *Rental arrears*

The client aged detail and receipts of payments entered into evidence represent the landlord's accounting of monthly rent and payments received against the respondents' rent account as of December 11, 2017. The client aged detail also includes charges for unpaid electricity bills

which are supported by invoices from the Northwest Territories Power Corporation. The applicant's representative testified that although the electricity account was finally transferred into the respondents' names in October 2017, the respondents have still not paid the full amount of rent each month to date.

The rent was established at \$1,200 per month. Paragraph 1(d) of the written tenancy agreement establishes the respondents' responsibility for the electricity account.

After filing the application to a rental officer, the landlord's Board of Directors instructed the applicant's representative not to pursue an order for payment of the rental and utilities arrears at this time. Additionally, the applicant's representative was unable to produce an updated client aged detail at the time of the hearing.

I am satisfied the documents provided as part of the application package collectively reflect the status of the respondent's rent account as of December 11, 2017. I find the respondents have repeatedly failed to pay their rent in full when due. As of December 11, 2017, it appears the respondents had accumulated approximately \$7,347.88 in rental and utilities arrears.

*Termination of the tenancy agreement and eviction*

In light of the respondent's repeated failure to pay their rent when due, and what appears to be a substantial amount of rental arrears accumulating, I am satisfied termination of the tenancy agreement and eviction are justified.

*Orders*

An order will issue terminating the tenancy agreement April 30, 2018, and evicting the respondents from the rental premises May 1, 2018.

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Adelle Guigon  
Rental Officer