

IN THE MATTER between **ALM**, Applicant, and **TE and EE**, 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:

ALM

Applicant/Landlord

-and-

TE and EE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 22, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JL, representing the applicant

Date of Decision: May 22, 2018

REASONS FOR DECISION

An application to a rental officer made by ALM as the applicant/landlord against TE and EE as the respondents/tenants was filed by the Rental Office February 21, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Enterprise, Northwest Territories. The filed application was personally served on the respondents March 28, 2018.

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

A hearing was scheduled for May 22, 2018, by three-way teleconference. JL appeared representing the applicant. TE and EE were personally served notices of the hearing March 28, 2018. 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 *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties commencing June 20, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The rent ledgers entered into evidence represent the landlord's accounting of monthly rent and payments received against the respondents' rent account. Rent was established at \$1,000 per month. Either insufficient payments or no payments were received in seven of the last 12 months of the tenancy.

I am satisfied the rent ledgers accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$9,500.

Utilities

Paragraph 29 of the written tenancy agreement establishes the respondents' responsibility for utilities, including electricity. The applicant's representative testified that the respondents failed to have the electricity account for the rental premises transferred into their names until March 2016. The electricity bills until that point remained in the applicant's name, and the respondents failed to pay for the electricity usage during that time. Six Northland Utilities statements were entered into evidence which were paid by the applicant on behalf of the respondents.

I am satisfied the respondents are responsible for paying the utilities bills, that the respondents failed to take responsibility for the utilities bills prior to March 2016, and that the respondents failed to pay the applicant for utilities arrears accumulated prior to March 2016. I find the respondents liable to the applicant for utilities arrears in the amount of \$1,825.12.

Termination of the tenancy agreement and eviction

In light of the respondents' repeated failure to pay their rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the applicant's representative, the termination of the tenancy agreement will be effective May 31, 2018, the eviction will be enforceable July 1, 2018, and the respondents will be liable to compensate the applicant for use and occupation of the rental premises at a rate of \$32.88 for each day they remain in the rental premises after May 31, 2018, to a maximum of \$1,000 per month.

Orders

An order will issue:

- requiring the respondents to pay rental and utilities arrears in the total amount of \$11,325.12;
- terminating the tenancy agreement May 31, 2018;
- evicting the respondents from the rental premises July 1, 2018; 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 May 31, 2018, to a maximum of \$1,000 per month.

Adelle Guigon
Rental Officer