

IN THE MATTER between **NPRLP**, Applicant, and **KK and CK**, 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:

NPRLP

Applicant/Landlord

-and-

KK and CK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 5, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CDL, representing the applicant

Date of Decision: July 5, 2018

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the applicant/landlord against KK and CK as the respondent/tenant was filed by the Rental Office April 20, 2018. 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 deemed received May 10, 2018, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents 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 July 5, 2018, in Yellowknife. CDL appeared representing the applicant. KK and CK were served notice of the hearing by email deemed received May 10, 2018, pursuant to subsection 4(4) of the Regulations. The respondents 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).

Tenancy agreement

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties commencing September 8, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rent, late payment penalties, and payments received against the respondents' rent account. Rent was established at \$2,300 per month. Late payment penalties were calculated in

accordance with the Act. Either insufficient payments or no payments were received in five of the 11 months of the tenancy, and rent was paid late in three of the 11 months. The applicant's representative testified that no communication regarding the status of the rent account has been forthcoming from the respondents.

I am satisfied the resident ledgers accurately reflects the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the rent in full and when due, and has accumulated rental arrears in the amount of \$4,282.

Termination of the tenancy agreement and eviction

In light of the respondents' repeated failure to pay the rent in full and when due, and the amount of 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 \$4,282;
- terminating the tenancy agreement July 31, 2018;
- evicting the respondents from the rental premises August 1, 2018; and
- requiring the respondents to pay compensation for use and occupation of the rental premises in the amount of \$75.62 for each day they remain in the rental premises after July 31, 2018, to a maximum of \$2,300 per month.

Adelle Guigon
Rental Officer