

IN THE MATTER between **NPRLP**, Applicant, and **HHRS and CF**, 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-

HHRS and CF

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 10, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CDL, representing the applicant

Date of Decision: July 10, 2018

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the applicant/landlord against HHRS and CF as the respondents/tenants 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 respondents 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 rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for July 10, 2018, in Yellowknife. CDL appeared representing the applicant. HHRS and CF 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 respondents' 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 April 29, 2016. 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 made against the respondents' rent account. The rent was established at \$1,734 per month. The late payment penalties were calculated in

accordance with the Act and Regulations. No payments were received in 10 of the last 12 months. The last payment received against the rent account was recorded November 1, 2017, in the amount of \$3,000, and the last zero balance achieved in the rent account was recorded August 2, 2017.

I am satisfied the resident ledgers accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the rent and have accumulated rental arrears in the amount of \$16,091.

Termination of the tenancy agreement

In light of the respondents' repeated failure to pay rent and the substantial 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 of \$16,091;
- 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 at a rate of \$57.01 for each day they remain in the rental premises after July 31, 2018, to a maximum of \$1,734 per month.

Adelle Guigon
Rental Officer