

IN THE MATTER between **NPRLP**, Applicant, and **JS and DB**, 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-

JS and DB

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 JS and DB as the respondents/tenants was filed by the Rental Office April 30, 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 registered mail signed for May 24, 2018.

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 10, 2018, in Yellowknife. CDL appeared representing the applicant. JS and DB were served notice of the hearing by registered mail signed for May 24, 2018. 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 September 25, 2014. 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. The current rent was established at \$1,729 per month. The late payment penalties were calculated in accordance with the Act and *Residential Tenancies Regulations* (the Regulations). Either insufficient payments or no payments were received in seven of the last 12 months of the tenancy.

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 full amount of rent when due and have accumulated rental arrears in the amount of \$1,742.90.

Termination of the tenancy agreement and eviction

In light of the respondents' repeated failure to pay the full amount of rent when due and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. When the application was filed the respondents had accumulated rental arrears in the amount of \$4,091. Since then, the respondents have successfully reduced the amount of rental arrears by more than half. In recognition of the respondents' efforts, the applicant's representative requested the termination of the tenancy agreement and eviction be conditional for the end of July on the respondents paying the rental arrears in full. I am satisfied this request is reasonable.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$1,742.90;
- requiring the respondents to pay their rent on time in the future;
- terminating the tenancy agreement July 31, 2018, unless the rental arrears are paid in full; and
- evicting the respondents from the rental premises August 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer