

IN THE MATTER between **NPRLP**, Applicant, and **MM**, Respondent.

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-

**MM**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** July 26, 2018

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

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

**Date of Decision:** July 26, 2018

**REASONS FOR DECISION**

An application to a rental officer made by NPRLP as the applicant/landlord against MM as the respondent/tenant 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 personally served on the respondent July 20, 2018.

The applicant alleged the respondent had repeatedly failed to pay the full amount of rent when due 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 26, 2018, in Yellowknife. CDL appeared representing the applicant. MM was personally served notice of the hearing July 20, 2018. The respondent 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 November 30, 2010. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

*Previous order*

Rental Officer Order Number 10-12433 issued November 16, 2011, required the respondent to pay rental arrears in the amount of \$1,065 and required the respondent to pay future rent on time.

### *Rental arrears*

The resident ledgers entered into evidence represent the landlord's accounting of monthly rents, late payment penalties, and payments received against the respondent's rent account. The current rent was established at \$1,224 per month. Late payment penalties have been 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. The respondent made a substantial payment on May 30, 2018, which brought the rent account balance to zero, including payment of the June 2018 rent. However, July's rent remains outstanding.

I am satisfied the resident ledger accurately reflects the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay the full amount of rent when due and has accumulated rental arrears in the amount of \$1,249.

### *Termination of the tenancy agreement and eviction*

In light of the respondent's repeated failure to pay the rent when due, I am satisfied termination of the tenancy agreement and eviction are justified. However, by agreement with the applicant's representative, I am also satisfied it would be appropriate to issue the termination and eviction orders conditional on the respondent paying the rental arrears in full and paying future rent on time.

### *Orders*

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$1,249;
- requiring the respondent to pay rent on time in the future;
- terminating the tenancy agreement October 31, 2018, unless the rental arrears are paid in full and the rents for August, September, and October are paid on time; and
- evicting the respondent from the rental premises November 1, 2018, if the termination of the tenancy agreement becomes effective.

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Adelle Guigon  
Rental Officer