

IN THE MATTER between **NPRLP**, Applicant, and **MLL**, 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-

MLL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 2, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CDL, representing the applicant

Date of Decision: August 2, 2018

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the applicant/landlord against MLL as the respondent/tenant was filed by the Rental Office May 29, 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 June 15, 2018, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondent had repeatedly failed to pay rent in full when due 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 August 2, 2018, in Yellowknife. CDL appeared representing the applicant. MLL was served notice of the hearing by email deemed received June 15, 2018, pursuant to subsection 4(4) of the Regulations. 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, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The resident ledgers entered into evidence represents the landlord's accounting of monthly rents, late payment penalties, and payments received against the respondent's rent account. Rent was established at \$1,845 per month. The late payment penalties have been calculated in accordance with the Act and Regulations. Insufficient payments were received in six of the last 12 months of the tenancy.

I am satisfied the resident ledgers accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay rent in full when due and has accumulated rental arrears in the amount of \$3,736.

Termination of the tenancy agreement and eviction

In light of the respondent's repeatedly failure to pay the rent in full when due and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, given that the respondent has been in communication with the applicant's representative and made efforts to resolve his debt, I am in agreement with the applicant's representative that conditional termination and eviction orders dependent on the respondent paying the rental arrears in full and paying his future rent on time are reasonable.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$3,736;
- 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 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.

Adelle Guigon
Rental Officer