

IN THE MATTER between **MPM**, Applicant, and **AL**, 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:

MPM

Applicant/Landlord

-and-

AL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 19, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JB, representing the Applicant

Date of Decision: February 19, 2019

REASONS FOR DECISION

An application to a rental officer made by MPM as the Applicant/Landlord against AL as the Respondent/Tenant was filed by the Rental Office January 9, 2019. 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 registered mail deemed served January 28, 2019, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act).

The Applicant alleged the Respondent 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 February 19, 2019, in Yellowknife. JB appeared representing the Applicant. AL was served notice of the hearing by registered mail deemed served January 28, 2019. 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 Act.

Tenancy agreement

The Applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties commencing January 3, 2018. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The resident statements entered into evidence represent the Landlord's accounting of monthly rent, late payment penalties, and payments received against the Respondent's rent account. Rent was established at \$1,650 per month as of January 1, 2018, and at \$1,750 per month as of February 1, 2019. Late payment penalties were calculated in accordance with the Act. Either insufficient payments or no payments were received in 9 of the last 12 months of the tenancy. The last payment received against the Respondent's rent account was recorded November 2, 2018, in the amount of \$400.

I am satisfied the resident statements accurately reflects the current status of the Respondent's rent account. I find the Respondent has repeatedly failed to pay rent and has accumulated substantial rental arrears in the amount of \$10,488.45. That amount represents approximately seven months' rent.

Termination of the tenancy agreement and eviction

In light of the Respondent's repeated failure to pay the rent and the substantial amount of rental arrears that have accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$10,488.45 (p. 41(4)(a));
- terminating the tenancy agreement February 28, 2019 (p. 41(4)(c));
- evicting the Respondent from the rental premises March 1, 2019 (p. 63(4)(a)); and
- requiring the Respondent to compensate the Applicant for use and occupation of the rental premises at a rate of \$57.53 for each day the Respondent remains in the rental premises after February 28, 2019, to a maximum of \$1,750 per month (p. 63(4)(b)).

Adelle Guigon
Rental Officer