

IN THE MATTER between **SW**, Applicant, and **DB**, 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:

SW

Applicant/Landlord

-and-

DB

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 3, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: SW, Applicant

Date of Decision: April 3, 2019

REASONS FOR DECISION

An application to a rental officer made by SW as the Applicant/Landlord against DB as the Respondent/Tenant was filed by the Rental Office January 2, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Smith, Northwest Territories. The filed application was served on the Respondent by registered mail deemed served February 6, 2019, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act).

The Applicant alleged the Respondent had failed to comply with a rental officer order to pay minimum monthly installments towards accumulated rental arrears, failed to comply with a rental officer order to pay future rent on time, repeatedly failed to pay rent, and accumulated rental arrears. An order was sought to rescind the order to pay minimum monthly installments, for payment of rental arrears, for termination of the tenancy agreement, and for eviction.

Neither the Applicant nor the Respondent appeared at a hearing scheduled for February 19, 2019. The hearing was re-scheduled to April 3, 2019, by three-way teleconference. SW appeared as Applicant. DB was served notice of the hearing by registered mail deemed served March 26, 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 May 1, 2016. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous order

Rental Officer Order Number 16127 issued July 25, 2018, required the Respondent to pay rental arrears in the amount of \$10,923.30 in minimum monthly installments of \$250 starting in August 2018, and required the Respondent to pay future rent on time and no later than the first pay day of each month. The Respondent was present at that hearing and agreed to comply with the terms of the order.

Rental arrears

The rent ledger entered into evidence represents the Landlord's accounting of monthly rent and payments received against the Respondent's rent account. One mathematical error was identified in the ledger, which was adjusted accordingly at hearing. The ledger accounted for the rental period of May 1, 2016, to November 30, 2018, including a \$4,200 payment received April 21, 2016. After Rental Officer Order Number 16127 was issued, only two payments of \$800 each were made against the rent account: one on August 10th and the other on August 24th. The Applicant confirmed at hearing that no payments have been received since the application to a rental officer was filed.

I am satisfied the amended rent ledger accurately reflects the current status of the Respondent's rent account. I find the Respondent has repeatedly failed to comply with the rental officer order to pay minimum monthly installments of \$250 towards the rental arrears. I find the Respondent has repeatedly failed to comply with the rental officer's order to pay future rent on time. I find the Respondent has repeatedly failed to pay rent. I find the Respondent has accumulated rental arrears in the total amount of \$16,923.30. That amount represents approximately 13 months' rent.

Termination of the tenancy agreement and eviction

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

Orders

An order will issue:

- rescinding paragraph 1 of Rental Officer Order Number 16127, and requiring the Respondent to pay rental arrears in the amount of \$16,923.30 (p. 41(4)(a), ss. 84(3));
- terminating the tenancy agreement April 30, 2019 (p. 41(4)(c)); and
- evicting the Respondent from the rental premises May 1, 2019 (p. 63(4)(a)).

Adelle Guigon
Rental Officer