

IN THE MATTER between **NPRLP**, Applicant, and **SH and GH**, 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-

SH and GH

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: March 19, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CDL, representing the Applicant

Date of Decision: March 19, 2019

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the Applicant/Landlord against SH and GH as the Respondents/Tenants was filed by the Rental Office January 30, 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 email deemed received March 4, 2019, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

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 March 19, 2019, in Yellowknife. CDL appeared representing the Applicant. SH and GH were served notices of the hearing by email deemed received March 4, 2019. The Respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the Respondents' absences 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 August 1, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The lease ledger entered into evidence represents the Landlord's accounting of monthly rents, late payment penalties, and payments received against the Respondents' rent account. Rent was established at \$1,744 per month. Late payment penalties were calculated in accordance with the Act and Regulations. Either insufficient payments or no payments were received in eight of the last 12 months of the tenancy.

Given that the Respondents made a substantial payment on March 7, 2019, which paid their rental arrears in full, the Applicant's representative withdrew their requests for an order to pay rental arrears, for termination of the tenancy agreement, and for eviction. Instead they requested only an order that future rent be paid on time.

I am satisfied the lease ledger accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to pay the full amount of rent when due.

Order

An order will issue requiring the Respondents to pay rent on time in the future (p. 41(4)(b)).

Adelle Guigon
Rental Officer