

IN THE MATTER between **MPM**, Applicant, and **SM and HMK**, 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:

**MPM**

Applicant/Landlord

-and-

**SM and HMK**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** July 3, 2019

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

**Appearances at Hearing:** JB, representing the Applicant

**Date of Decision:** July 3, 2019

### **REASONS FOR DECISION**

An application to a rental officer made by MPM as the Applicant/Landlord against SM and HMK as the Respondents/Tenants was filed by the Rental Office May 3, 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 Respondents by registered mail deemed served May 28, 2019, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act).

The Applicant alleged the Respondents had repeatedly failed to pay the rent in full when due and had accumulated rental arrears. An order was sought for payment of the rental arrears and termination of the tenancy agreement.

A hearing was scheduled for July 3, 2019, in Yellowknife. JB appeared representing the Applicant. SM and HMK were served notices of the hearing by registered mail deemed served May 28, 2019. The Respondents did not appear at the hearing, nor did anyone appear on the Respondents' behalf. The hearing proceeded in the Respondents' absence pursuant to subsection 80(2) of the Act.

#### *Tenancy agreement*

Evidence was presented establishing a residential tenancy agreement between the parties commencing October 1, 2018. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

#### *Rental arrears*

The resident statement and resident ledger summary report (rent statement) 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 \$1,500 per month. The late payment penalties as of May 2019 reflected in the resident statement were calculated in accordance with the Act. The Applicant's representative agreed to deduct the late payment penalties for June and July totalling \$30 from the resident ledger summary report as she was not confident they had been calculated correctly. The rent statement balance was adjusted accordingly. Insufficient payments have been made in seven of the 10 months of the tenancy.

I am satisfied the adjusted rent statement accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to pay the rent in full when due and have accumulated rental arrears in the amount of \$1,500. That amount represents one month's rent.

*Termination of the tenancy agreement*

The Applicant's representative withdrew their request for an order to terminate the tenancy agreement.

*Orders*

An order will issue requiring the Respondents to pay rental arrears in the amount of \$1,500 and requiring the Respondents to pay their rent on time in the future.

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Adelle Guigon  
Rental Officer