

IN THE MATTER between **NPRLP**, Applicant, and **KM and SN**, 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-

KM and SN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 21, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: CDL, representing the Applicant

Date of Decision: August 21, 2019

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the Applicant/Landlord against KM and SN as the Respondents/Tenants was filed by the Rental Office June 18, 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 email deemed received August 12, 2019, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The Applicant alleged the Respondents had repeatedly failed to pay rent in full when due 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 August 21, 2019, in Yellowknife. CDL appeared representing the Applicant. KM and SN were served notices of the hearing by email deemed received August 12, 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 *Residential Tenancies Act* (the Act)

Tenancy agreement

Evidence was presented establishing a residential tenancy agreement between the parties commencing February 1, 2019, for a fixed-term to January 31, 2020. 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 \$1,575 per month. Late payment penalties were calculated in accordance with the Act, and \$25 in late payment penalties for August 2019 was added to the ledger balance at hearing. No payments were received in four of the eight months of the tenancy. The last payment received against the Respondents' rent account was recorded May 23, 2019, in the amount of \$300.

I am satisfied that the adjusted lease ledger accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to pay rent and have accumulated rental arrears in the amount of \$6,737. That amount represents approximately four months' rent.

Termination of the tenancy agreement and eviction

In light of the Respondents' repeated failure to pay 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 Respondents to pay rental arrears in the amount of \$6,737 (p. 41(4)(a));
- terminating the tenancy agreement August 31, 2019 (p. 41(4)(c));
- evicting the Respondents from the rental premises September 15, 2019 (p. 63(4)(a)); and
- requiring the Respondents to pay compensation for use and occupation of the rental premises at a rate of \$51.78 for each day they remain in the rental premises after August 31, 2019 (p. 63(4)(b)).

Adelle Guigon
Rental Officer