

IN THE MATTER between **NPRLP**, Applicant, and **MH and KB**, 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-

MH and KB

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	August 21, 2019
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	CDL, representing the Applicant
<u>Date of Decision:</u>	August 21, 2019

REASONS FOR DECISION

An application to a rental officer made by NPRLP as the Applicant/Landlord against MH and KB as the Respondents/Tenants was filed by the Rental Office June 19, 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 June 29, 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, had accumulated rental arrears, and had failed to comply with a rental officer order to pay future rent on time. An order was sought for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for August 21, 2019, in Yellowknife. CDL appeared representing the Applicant. MH and KB were served notice of the hearing by email deemed received June 29, 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 April 1, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous order

Rental Officer Order Number 16068 issued July 5, 2018, required the Respondents to pay future rent on time.

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 \$2,244 per month. Late payment penalties were calculated in accordance with the Act and Regulations, and \$25 in late payment penalties was added to the ledger balance for August 2019. Rent was paid late in seven of the last 12 months of the tenancy, and insufficient amounts were paid in five of the last 12 months of the tenancy. It is noted that the Respondents have successfully made sufficient payments in recent months to reduce their rental arrears, and achieved a zero balance on July 29, 2019.

I am satisfied the adjusted lease ledger accurately reflects the current status of the Respondent's rent account. I find the Respondents have repeatedly failed to pay the full amount of rent when due, have failed to comply with a rental officer order to pay future rent on time, and have accumulated rental arrears in the amount of \$1,130. That amount represents approximately one month's rent, or effectively half of the rent for August 2019.

Termination of the tenancy agreement and eviction

The Applicant's representative withdrew their request for orders terminating the tenancy agreement and evicting the Respondents.

Orders

An order will issue requiring the Respondents to pay rental arrears in the amount of \$1,130 and requiring the Respondents to pay future rent on time.

Adelle Guigon
Rental Officer