

IN THE MATTER between **NPRLP**, Applicant, and **JK**, 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:

**NPRLP**

Applicant/Landlord

-and-

**JK**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** January 9, 2020

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

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

**Date of Decision:** January 9, 2020

**REASONS FOR DECISION**

An application to a rental officer made by NPRLP as the Applicant/Landlord against JK as the Respondent/Tenant was filed by the Rental Office November 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 Respondent by email deemed received December 13, 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 rental arrears, termination of the tenancy agreement, and eviction.

A hearing was held January 9, 2020, in Yellowknife. CDL appeared representing the Applicant. JK was served notice of the hearing by email deemed received December 13, 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 *Residential Tenancies Act* (the Act).

*Tenancy agreement*

Evidence was presented establishing a residential tenancy agreement between the parties commencing November 1, 2017. At hearing, the Applicant's representative confirmed that upon further review and inquiry the Landlord discovered in October 2019 that the Respondent had abandoned the rental premises. Apparently someone had returned the keys to the rental premises in July or August 2019, but there is no record of any communication from the Tenant regarding either her intention to vacate or when she in fact vacated the rental premises. Under the circumstances, the Landlord deemed the tenancy abandoned in October 2019. As a result, the Applicant's representative withdrew the request for termination of the tenancy agreement and eviction. I am satisfied a valid tenancy agreement was 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 Respondent's rent account. Rent was established at \$1,100 per month. The rent was appropriately charged for each month up to and including November 2019 due to the Respondent's failure to give proper notice to terminate the tenancy agreement and the Landlord's inability to re-rent the premises in November. The late payment penalties were calculated in accordance with the Act. No payments were received against the rent account since July 25, 2019.

The lease ledger included charges for one electricity bill in the total amount of \$74.22. The application did not include a request for payment of this bill, nor was any evidence of this bill provided. The amount of \$74.22 was deducted from the lease ledger balance.

The lease ledger also included charges related to cleaning the rental premises totalling \$856 against which the security deposit of \$695.56 was retained. A claim was not made for the outstanding balance of \$160.44, nor was evidence presented to substantiate that claim. The amount of \$160.44 was deducted from the lease ledger balance.

I am satisfied the adjusted lease ledger accurately reflects the current status of the Respondent's rent account. I find the Respondent has failed to pay rent and has accumulated rental arrears in the amount of \$4,496.

*Order*

An order will issue requiring the Respondent to pay rental arrears in the amount of \$4,496.

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Adelle Guigon  
Rental Officer