

IN THE MATTER between **NCHYP**, Applicant, and **JM**, 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:

NCHYP

Applicant/Landlord

-and-

JM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 18, 2021

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: RP, representing the Applicant

Date of Decision: August 18, 2021

REASONS FOR DECISION

An application to a rental officer made by NCHYP as the Applicant/Landlord against JM as the Respondent/Tenant was filed by the Rental Office July 2, 2021. 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 July 24, 2021, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The Applicant alleged the Respondent had repeatedly failed to pay rent, had accumulated substantial rental arrears, and had failed to comply with a rental officer order to pay rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy, and eviction.

A hearing was held August 18, 2021, by three-way teleconference. RP appeared representing the Applicant. JM was served notice of the hearing by email deemed received July 24, 2021. 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 April 24, 2020. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Rental Officer Order #17023 issued October 13, 2020, ordered: the Respondent to pay rental arrears of \$8,602.33; termination of the tenancy October 31, 2020; eviction November 1, 2020; and compensation for use and occupation at a rate of \$59.51 for each day the Respondent remained in the rental premises after October 31, 2020, to a maximum of \$1,810 per month. Due to a complicated change of landlord process occurring at the time of the termination and eviction dates, the termination and eviction orders were not enforced by the Landlord. Therefore, the tenancy was effectively reinstated as of November 1, 2020. The monetary order remains enforceable if the Order is filed with the Supreme Court before November 2020.

Rental arrears

The lease ledgers entered into evidence represent the Landlord's accounting of monthly rents and payments received against the Respondent's rent account. Rent was established at \$1,810 per month and is due the first of each month. No payments have been received against the Respondent's rent account in 14 of the last 15 months of this tenancy, with the last payment recorded as received May 27, 2020.

I am satisfied the lease ledger accurately reflects the current status of the Respondent's rent account. I find the Respondent has repeatedly failed to pay the rent, has failed to comply with a Rental Officer order to pay rental arrears, and has accumulated a total amount of rental arrears of \$26,727.33. That amount represents approximately 15 months' rent. The rental arrears ordered paid under Rental Officer Order #17023 will be deducted from the total rental arrears and a new order will issue for the payment of the remaining balance.

Termination of the tenancy and eviction

The Applicant's representative has confirmed that the Respondent appears to remain in occupancy of the rental premises. In light of the Respondent's repeated failure to pay the rent and the substantial amount of rental arrears that have accumulated, I am satisfied termination of the tenancy and eviction are justified. I am also satisfied an order for the Respondent to pay overholding rent for the days she remains in the premises after the termination date is appropriate.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears accumulated since the last Rental Officer order was issued in the amount of \$18,125 (p. 41(4)(a));
- terminating the tenancy August 31, 2021 (p. 41(4)(c));
- evicting the Respondent from the rental premises September 1, 2021 (p. 63(4)(a)); and
- requiring the Respondent to compensate the Applicant for use and occupation of the rental premises at a rate of \$59.51 for each day she remains in the rental premises after August 31, 2021, to a maximum of \$1,810 per month (p. 63(4)(b)).

Adelle Guigon
Rental Officer