

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **DARRELL BETSIDA AND DJHANINE BAUTISTA**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

- and -

DARRELL BETSIDA AND DJHANINE BAUTISTA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the Residential Tenancies Act, the respondent shall pay the applicant rent arrears in the amount of one thousand two hundred fifty five dollars (\$1255.00).
2. Pursuant to sections 41(4)(c) and 83(2) of the Residential Tenancies Act, the tenancy agreement between the parties for the premises known as Apartment #301, 5600-52 Avenue, Yellowknife, NT shall be terminated on January 31, 2002 and the respondent shall vacate the premises on that date unless a payment is made to the respondent of no less than five hundred dollars (\$500.00).

3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment #301, 5600-52 Avenue, Yellowknife, NT shall be terminated on February 15, 2002 and the respondent shall vacate the premises on that date unless the balance of the rent arrears and rent for the month of February, 2002 is paid to the respondent in the amount of one thousand six hundred fifteen dollars (\$1615.00).

DATED at the City of Yellowknife, in the Northwest Territories this 23rd day of January, 2002.

Hal Logsdon
Rental Officer

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BETWEEN:

809656 ALBERTA LTD.

Applicant/Landlord

-and-

DARRELL BETSIDA AND DJHANINE BAUTISTA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: January 22, 2002

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rashda Mirza, representing the applicant
Djhanine Bautista, representing the respondents

Date of Decision: January 22, 2002

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order for the payment of the alleged rent arrears and termination of the tenancy agreement. The applicant provided a copy of the tenant ledger which indicated a balance of rent arrears in the amount of \$1255.

The respondents did not dispute the allegations and indicated they would be able to pay the arrears by February 15, 2002 and would make a payment of \$500 before the end on January, 2002. The applicant was agreeable to the proposed repayment schedule.

I find the respondent breached the tenancy agreement by failing to pay the lawful rent to the landlord. I find the rent arrears to be \$1255. In my opinion there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are promptly paid.

An order shall be issued for the respondent to pay the applicant rent arrears in the amount of \$1255. The tenancy agreement shall be terminated on January 31, 2002 unless the respondent makes a payment of no less than \$500 to the applicant. Should that payment be made and the tenancy continue, the respondent shall pay the balance of the rent arrears (\$755) and the rent for the month of February, 2002 (\$860) to the applicant no later than February 15, 2002. If this payment is not made the tenancy agreement shall be terminated on that date.

Hal Logsdon
Rental Officer