

IN THE MATTER between **NORTHERN PROPERTY REIT**, Applicant, and **NORM BYATT**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

NORTHERN PROPERTY REIT

Applicant/Landlord

- and -

NORM BYATT

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order (File #10-7917, filed on June 30, 2004) is rescinded and the respondent is ordered to pay the balance of rent owing in the amount of four thousand three hundred sixty dollars (\$4360.00).

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of October, 2004.

Hal Logsdon
Rental Officer

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Applicant/Landlord

-and-

NORM BYATT

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REASONS FOR DECISION

Date of the Hearing: October 14, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Lucy Gillard, representing the applicant
Joanne Koyina, representing the applicant
Norm Byatt, respondent (by telephone)

Date of Decision: October 14, 2004

REASONS FOR DECISION

The tenancy agreement between the parties was terminated on or about October 7, 2004 when the respondent vacated the premises. The applicant alleged that the respondent had breached the tenancy agreement by failing to pay the full amount of rent and sought an order requiring the respondent to pay the alleged rent arrears. The applicant sought rent arrears to September 31, 2004 in the amount of \$4360. The applicant provided a copy of the rent statement in evidence.

The respondent did not dispute the allegations.

A previous order was issued requiring the respondent to pay rent arrears in monthly installments and pay future rent on time. From the evidence presented, it is clear that the respondent has not complied with that order.

I find the respondent in breach of his obligation to pay rent and find the rent arrears to be \$4360. An order shall issue rescinding the previous order and requiring the respondent to pay the balance of arrears owing in the amount of \$4360.

It appears the applicant holds a security deposit. They are entitled to hold it for 10 days after the termination of the tenancy agreement. I remind the applicant of their obligation to issue a statement of the deposit to the respondent. The security deposit and accrued interest may be retained by the landlord in partial satisfaction of this order and/or for any costs of repair to the premises required as a result of tenant damages.

Hal Logsdon
Rental Officer