

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **BENJAMIN MANUEL**, 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:

**809656 ALBERTA LTD.**

Applicant/Landlord

- and -

**BENJAMIN MANUEL**

Respondent/Tenant

**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 three thousand two hundred twenty five dollars (\$3225.00).
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 201, 42 Con Road, Yellowknife, NT shall be terminated on May 31, 2008 and the respondent shall vacate the premises on that date, unless the total amount of the rent arrears in the amount of four thousand seven hundred sixty three dollars and eighty seven cents (\$4763.87) is paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of May, 2008.

Hal Logsdon  
Rental Officer

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AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

**809656 ALBERTA LTD.**

Applicant/Landlord

-and-

**BENJAMIN MANUEL**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** May 20, 2008

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Aleem Shivji, representing the applicant

**Date of Decision:** May 21, 2008

### **REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail to the rental premises. The application, served by the applicant on the respondent, was also sent by registered mail to the same address and was confirmed delivered. Prior to the hearing, I attempted to contact the respondent by phone but the phone was out of service. The applicant testified that the respondent was still in possession of the premises. The information provided by Canada Post indicates that a notice was left in the respondent's mailbox on May 5, 2008 advising him of the registered mail item. In my opinion, it is not unreasonable to deem the notice of attendance served on the respondent pursuant to section 71(2) of the *Residential Tenancies Act*. The matter was heard in the absence of the respondent.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement. The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$4763.87.

I find the statement in order and find the respondent in breach of his obligation to pay rent. I find the rent arrears to be \$4763.87. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are promptly paid.

A previous order (file #10-9940, filed on February 25, 2008) required the respondent to pay rent

arrears of \$2358.87. Since that order was issued, only \$820 has been paid, leaving an unsatisfied balance of \$1538.87. Taking the unsatisfied balance of the previous order into account, an order shall issue for the balance of \$3225, calculated as follows:

Previous order	\$2358.87
Payments made since order issued	<u>(820.00)</u>
Unsatisfied balance of previous order	\$1538.87
 Current rent arrears	 \$4763.87
less unsatisfied balance of previous order	<u>(1538.87)</u>
Current order	\$3225.00

The tenancy agreement shall be terminated by order on May 31, 2008 and the respondent shall vacate the premises, unless the full amount of the rent arrears in the amount of \$4763.87 is paid in full.

Hal Logsdon  
Rental Officer

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