

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **FRANK MACDONALD**, 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 REAL ESTATE INVESTMENT TRUST**

Applicant/Landlord

- and -

**FRANK MACDONALD**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of January, 2009.

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Hal Logsdon  
Rental Officer

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BETWEEN:

**NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**

Applicant/Landlord

-and-

**FRANK MACDONALD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** January 7, 2009

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

**Appearances at Hearing:** Connie Diener, representing the applicant  
Antonio DiGiacomo, representing the respondent

**Date of Decision:** January 15, 2009

**REASONS FOR DECISION**

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 unless the alleged arrears were paid in full.

The applicant provided a statement which indicated a balance of rent owing in the amount of \$495.

The respondent's representative disputed the allegations. He stated that he lived with the respondent and was receiving assistance through the Income Security Program for his share of the rent. He stated that a cheque for over \$500 had been provided directly to the landlord in December, 2008 which did not appear on the statement. The respondent's representative stated that he would try to obtain proof of the payment. He provided the name of the Customer Service Officer who managed his assistance.

The rental officer contacted the Customer Service Officer who confirmed that a cheque was picked up by the landlord in December, 2008 in the amount of \$557.50 to be credited to the respondent's rent account. The rental officer then contacted the applicant who acknowledged receiving the cheque and stated that it had been credited to the wrong account. The applicant asked that the application be withdrawn.

The January, 2009 rent, which the applicant alleged was in arrears, was in fact paid in advance.

There are no rent arrears. The statement should indicate a credit balance. Consequently, the application is dismissed.

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Hal Logsdon  
Rental Officer