

IN THE MATTER between **MIDWEST PROPERTY MANAGEMENT**, Applicant,
and **CYNTHIA AALUK**, 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:

MIDWEST PROPERTY MANAGEMENT

Applicant/Landlord

- and -

CYNTHIA AALUK

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of three thousand eighty five dollars (\$3085.00). The respondent shall pay the rent arrears in four payments as follows:
 - a) A payment of seven hundred seventy one dollars (\$771.00) due on September 15, 2009.
 - b) A payment of seven hundred seventy one dollars (\$771.00) due on October 15, 2009.
 - c) A payment of seven hundred seventy one dollars (\$771.00) due on November 15, 2009.

d) A payment of seven hundred seventy two dollars (\$772.00) due on December 15, 2009.

2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.
3. Pursuant to section 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to not disturb other tenants and shall not create any disturbance in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of September, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **MIDWEST PROPERTY MANAGEMENT**, Applicant,
and **CYNTHIA AALUK**, 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.

BETWEEN:

MIDWEST PROPERTY MANAGEMENT

Applicant/Landlord

-and-

CYNTHIA AALUK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 26, 2009

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Bradley Pond, representing the applicant
Cynthia Aaluk, respondent
Marian Cox, representing the respondent

Date of Decision: August 26, 2009

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by disturbing other tenants in the residential complex. Although the application seeks the termination of the tenancy agreement, the applicant stated that he would like the tenancy agreement to continue provided the rent was paid and there were no future disturbances.

The applicant provided a rent statement in evidence which indicated a balance of rent owing in the amount of \$3085. The applicant also testified that he had received complaints from other tenants regarding noise from the respondent's apartment. There was no information provided as to the dates or times of the alleged disturbances or the specific nature of the complaints. A previous order (file #10-10692, filed on March 16, 2009) required the respondent to pay future rent on time. The applicant stated that the order had been breached in April, 2009.

The respondent did not dispute the allegations and stated that it was her sister who created the disturbance but that she had permitted her to enter the apartment.

The parties could not agree on how the rent arrears should be paid. Initially, the applicant agreed to monthly payments provided the debt was retired before December 31, 2009. Later he wanted the full amount paid by November 15, 2009. The respondent stated that she could pay about \$500 in addition to the rent each month.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$3085.

I am also satisfied from the testimony that some degree of disturbance has occurred.

The rent is currently over two months in arrears. In my opinion, it is not reasonable to expect the applicant to carry this debt past December 31, 2009. In my opinion, the respondent should be required to pay this amount in four approximately equal payments due on the fifteenth of each month, commencing on September 15, 2009.

An order shall issue requiring the respondent to pay the applicant the rent arrears in four payments as follows:

- a) A payment of \$771.00 due on September 15, 2009.
- b) A payment of \$771.00 due on October 15, 2009.
- c) A payment of \$771.00 due on November 15, 2009.
- d) A payment of \$772.00 due on December 15, 2009.

The order will also require the respondent to pay future rent on time, to comply with her obligation to not disturb other tenants and to not create any disturbances in the future.

Should the respondent fail to pay the rent arrears in accordance with this order or fail to pay the monthly rent on time, the applicant may file another application seeking the full payment of any remaining balance and termination of the tenancy agreement.

This decision was made known to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer