

IN THE MATTER between **YKD PROPERTY MANAGEMENT**, Applicant, and
CAROL ROSE CARLSON AND DON CARLSON, 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:

YKD PROPERTY MANAGEMENT

Applicant/Landlord

- and -

CAROL ROSE CARLSON AND DON CARLSON

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of six thousand nine hundred seventy six dollars and sixty five cents (\$6976.65).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as #6 - 486 Range Lake Road, Yellowknife, NT shall be terminated on January 31, 2010 and the respondents shall vacate the premises on that date, unless payments totalling at least two thousand one hundred dollars (\$2100.00) are paid to the applicant.

3. Pursuant to section 84(2) of the *Residential Tenancies Act*, provided the payments of two thousand one hundred dollars (\$2100.00) are paid to the applicant on or before January 31, 2010 the respondents may pay the remainder of the rent arrears in bi-weekly installments of two hundred fifty dollars (\$250.00) payable on every second Thursday commencing on February 11, 2010 until the rent arrears have been paid in full.
4. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of January, 2010.

Hal Logsdon
Rental Officer

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BETWEEN:

YKD PROPERTY MANAGEMENT

Applicant/Landlord

-and-

CAROL ROSE CARLSON AND DON CARLSON

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: January 6, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Jennifer Eggenberger, representing the applicant
Carol Rose Carlson, respondent

Date of Decision: January 6, 2010

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement. The applicant provided a copy of the rent ledger in evidence which indicated a balance of rent owing in the amount of \$6976.65.

The respondent did not dispute the allegations and proposed that the rent arrears be paid in bi-weekly installments of \$250 in addition to the monthly rent until the rent arrears were paid in full.

The applicant expressed her doubt that the respondents had the financial resources to pay the rent and utilities for the premises but agreed to the respondent's proposal provided the January, 2010 rent (\$1600) and the first two arrears installments (\$500) were paid on or before January 31, 2010. The respondent agreed to that provision.

I find the ledger in order and find the respondents in breach of their obligation to pay rent. I find the rent arrears to be \$6976.65. An order shall issue terminating the tenancy agreement on January 31, 2010 unless a payment of at least \$2100 has been paid to the applicant. Provided that payment is made, the tenancy shall continue and the respondents are ordered to pay the monthly rent on time and pay the remaining rent arrears in bi-weekly installments of \$250. The arrears payments shall be due on every second Thursday commencing on February 11, 2010 and shall

continue until the rent arrears are paid in full.

Should the respondents fail to make the bi-weekly payments in accordance with this order or fail to pay the monthly rent on time, the applicant may file another application seeking payment of any remaining balance and termination of the tenancy agreement.

Hal Logsdon
Rental Officer