

IN THE MATTER between **YKD PROPERTY MANAGEMENT**, Applicant, and
CAROL ROSE CARLSON, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

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

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 six thousand sixty five dollars and nineteen cents (\$6065.19).
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 6-486 Range Lake Road, Yellowknife, NT shall be terminated on November 17, 2010 and the respondent shall vacate the premises on that date, unless the rent arrears are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of
November, 2010.

Hal Logsdon
Rental Officer

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

YKD PROPERTY MANAGEMENT

Applicant/Landlord

-and-

CAROL ROSE CARLSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 10, 2010

Place of the Hearing: Yellowknife, NT

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

Date of Decision: November 10, 2010

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, terminating the tenancy agreement and evicting the respondent.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$6065.19. The monthly rent for the premises is \$1600.

The respondent stated that she did not think the balance shown on the ledger was correct but was unable to indicate any payments that she had made which were not accounted for on the ledger.

The respondent stated that she was trying to make arrangements to access emergency funds to pay the arrears. She stated that she was now receiving income support which had been sufficient to pay the entire amount of the monthly rent in September and October, 2010. She suspected that the November, 2010 rent was forthcoming from income support.

A previous order (file #10-11217, filed on January 7, 2010) required the respondent to pay rent arrears of \$6976.65. Applying the payments made since that date to the oldest debt, that order has been satisfied in quantum.

The ledger provided in evidence contains no apparent errors. There is no evidence to suggest that payments have been made that have not been accounted for. I find the ledger in order and find

rent arrears of \$6065.19. In my opinion, there are sufficient grounds to terminate the tenancy agreement but the respondent should be given an opportunity to make a final attempt at accessing the emergency funding she has referred to. Therefore the request for an eviction order is denied.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$6065.19 and terminating the tenancy agreement on November 17, 2010 unless the arrears are paid in full.

This decision was made known to the parties at the conclusion of the hearing and the respondent informed that the order would be sent to her by registered mail.

Hal Logsdon
Rental Officer