

IN THE MATTER between **Hay River Mobile Home Park Ltd.**, Applicant, and **Cyndi McNichol**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises located within the **Town of Hay River in the Northwest Territories.**

BETWEEN:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

- and -

CYNDI McNICHOL

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the Respondent shall pay to the Applicant rental arrears in the amount of \$1,215 (one thousand two hundred fifteen dollars).

DATED at the City of Yellowknife in the Northwest Territories this 31st day of May 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Mobile Home Park Ltd.**, Applicant, and **Cyndi McNichol**, 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 **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

-and-

CYNDI McNICHOL

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 22, 2013
<u>Place of the Hearing:</u>	Hay River, Northwest Territories, via Teleconference
<u>Appearances at Hearing:</u>	Michelle Schaub, representing the Applicant
<u>Date of Decision:</u>	May 22, 2013

REASONS FOR DECISION

Application

The application package submitted by the Applicant was received and filed by the Rental Office on March 8, 2013, regarding a tenancy agreement for Lot 15 in the Hay River Mobile Home Park. The Applicant personally served a copy of the filed application package on the Respondent on April 3, 2013.

The application package indicated the Applicant was seeking the following remedies pursuant to the *Residential Tenancies Act* (the Act):

- Payment of rental arrears in the amount of \$1,215 pursuant to section 41(4)(a) of the Act

The following exhibits were included in the application package:

Exhibit 1: Lease Agreement signed February 6, 2008

Exhibit 2: Bill of Sale between Cyndi McNichol and Tasha Sound for the mobile trailer situated on the rental premises effective October 1, 2012

Exhibit 3: Statement of Account from April 1, 2012, to March 5, 2013

Hearing

A hearing was scheduled for May 22, 2013, by telephone with the Applicant and Respondent in Hay River and the Deputy Rental Officer in Yellowknife. The Applicant was represented at hearing by Ms. Michelle Schaub. The Respondent was served a notice of hearing by registered mail sent April 22, 2013 which was deemed served April 29, 2013, pursuant to section 71(5) of the Act. The Deputy Rental Officer successfully contacted the Respondent by telephone on May 21, 2013, and advised her of the hearing particulars. The Respondent understood that the hearing would proceed in her absence. The Respondent did not in fact attend the hearing and the hearing did proceed in her absence.

Submissions

The Applicant submitted the following exhibit by fax on May 21, 2013, for consideration at the hearing:

Exhibit 3: Statement of Account from January 1, 2012, to December 31, 2012

The Statement of Account is the landlord's record of accounting transactions applied to the

tenancy. The most recent Statement of Account reflects rental arrears owing in the amount of \$1,215.

The Applicant confirmed that they were seeking payment of rental arrears. This tenancy agreement ended September 30, 2012, with the sale of the mobile home which sits upon the lot in question, and the landlord has been unsuccessful in their attempts to compel the Respondent to pay the outstanding arrears accumulated during that tenancy.

Determinations

The Lease Agreement submitted with the application was not contested as a valid tenancy agreement. I accept that it was a valid tenancy agreement.

The Bill of Sale implies that the tenancy agreement for the lot ended with the change of ownership of the mobile home sitting on the lot. Although the Bill of Sale is not dated, it does indicate the effective date of the transfer of ownership of the mobile home, and the Applicant did not dispute that the tenancy had effectively been terminated. I accept that the Lease Agreement was terminated September 30, 2012.

The Statement of Account remains uncontested, therefore, I accept that it reflects the actual payments made to date by the Respondent.

Order

An order shall issue requiring the Respondent to the Applicant rental arrears in the amount of \$1,215 pursuant to section 41(4)(a) of the Act.

Adelle Guigon
Deputy Rental Officer