

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

BETWEEN:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

- and -

TASHA SOUND

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 \$1,600 (one thousand six hundred dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the Respondent shall pay her rent on time in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 31st day of May 2013.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Mobile Home Park Ltd.**, Applicant, and **Tasha Sound**, 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-

TASHA SOUND

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 regarding a tenancy at the rental premises known as #15-61 Woodland Drive in Hay River, Northwest Territories, was received and filed by the Rental Office on March 8, 2013. The Applicant served a copy of the filed application package on the Respondent by registered mail, which was signed for by the Respondent on March 19, 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 \$1,340 pursuant to section 41(4)(a) of the Act; and
- Payment of future rent on time pursuant to section 41(4)(b) of the Act.

The following exhibits were included in the application package:

Exhibit 1: Lease Agreement signed November 7, 2012

Exhibit 2: Statement of Account for November 1, 2012, to March 5, 2013, reflecting rental arrears in the amount of \$1,340

Hearing

A hearing was scheduled for May 22, 2013, and notices of hearing were sent to the parties by registered mail. The Applicant signed for their notice on April 29, 2013; the Respondent signed for their notice on April 30, 2013. The Applicant appeared at hearing; the Respondent did not appear at hearing. The hearing continued in the Respondent's absence.

Submissions

The Applicant submitted the following exhibit by fax received by the Rental Office on May 21, 2013:

Exhibit 3: Statement of Account for October 1, 2012, to May 1, 2013, reflecting rental arrears in the amount of \$1,600

At hearing, the Applicant reiterated her request for an order that the Respondent pay rental arrears, which are now assessed at \$1,600, and that the Respondent pay her future rent on time.

The Lease Agreement submitted by the Applicant was a monthly tenancy agreement specifying the rent of \$260 due the first day of each month. The agreement is for Lot #15 in the Hay River Mobile Home Park Ltd., consisting of the land only, not the mobile home sitting on the lot.

Section 1 of the Act defines a rental premises as follows:

“rental premises” means a living accommodation **or land for a mobile home** used or intended for use as a rental premises and includes a room in a boarding house or lodging house. [emphasis added]

I accept that the tenancy agreement to which this application refers is a valid one as defined by the Act.

The Statement of Account is the landlord’s accounting of transactions applied to the tenant. In this case the transactions reflected in the Statement of Account are specific to monthly rent and payments made. The Statement of Account is uncontested and I accept that it accurately reflects the payments made by the tenant to date. Of note in referencing the Statement of Account, there have been only three payments made to this account since the beginning of the tenancy nearly seven months ago and it remains in arrears.

Determination

Based on the uncontested information put before me, I find that the Respondent has rental arrears in the amount of \$1,600. Further, as clearly reflected in the Statement of Account, I find that the Respondent has repeatedly failed to pay her rent on time.

Order

An order shall issue requiring the Respondent to pay rental arrears in the amount of \$1,600 and to pay her future rent on time.

Adelle Guigon
Deputy Rental Officer