

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

KEVIN LAFFERTY

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 \$769 (seven hundred sixty-nine dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the Respondent shall pay his rent on time in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of June 2013.

Adelle Guigon
Deputy Rental Officer

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

KEVIN LAFFERTY

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 7, 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>	June 7, 2013

REASONS FOR DECISION

Application

This application package, which was submitted by the Applicant regarding a tenancy agreement for the rental premises known as 3-61 Woodland Drive in Hay River, Northwest Territories, was received and filed by the Rental Office on April 15, 2013. The Applicant served a copy of the filed application package on the Respondent by registered mail sent May 22, 2013, which was deemed served pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) on May 29, 2013.

Included as exhibits to the application were the following documents:

Exhibit 1: Statement of Account for December 31, 2012, to April 10, 2013

Hearing

A hearing was scheduled for June 7, 2013. The Applicant appeared at hearing represented by Ms. Michelle Schaub. The Respondent was served a notice of hearing by registered mail sent May 27, 2013, which was deemed served pursuant to section 71(5) of the Act on June 3, 2013. Neither the Respondent nor a representative for the Respondent appeared at the hearing. The hearing proceeded in his absence. It was later learned that the Respondent signed for the notice of hearing the morning of June 7, 2013.

Submissions

Prior to the hearing, the Applicant submitted further documentary evidence in support of their application via fax received by the Rental Office on June 7, 2013:

Exhibit 2: Statement of Account for December 31, 2012, to June 1, 2013

At hearing, the Applicant reiterated their application requesting an order for payment of rental arrears and future rent on time. The Applicant submitted that the Respondent had made a payment yesterday of \$800 which is not reflected on the Statement of Account, thus bringing the rental arrears to \$769.

Determination

Section 76(1) of the Act requires the Applicant to serve a filed copy of the application package on the Respondent within 14 days after filing it. However, section 71(8) allows the rental officer to extend the time for service of a notice or other document where she is of the opinion that it would not be unfair to do so. In considering the requested remedy is simply for payment of rental arrears of which the Respondent would be aware of, I find it appropriate to allow for the extension of time for service of the filed application on the Respondent. I would remind the Applicant, however, of the preliminary requirements to serve their tenants with filed applications to a Rental Officer within 14 days of filing where possible.

The Statement of Account is the landlord's accounting of transactions applied against a tenant regarding a tenancy. In this case, the transactions consist solely of monthly rent and payments made. The Statement of Account was not disputed and I accept that it accurately reflects payments made by the tenant, notwithstanding the payment made yesterday of \$800 as admitted by the Applicant. I find the Respondent in rental arrears of \$769.

The Statement of Account further exhibits the late payment of rent from which I find the Respondent in breach of his obligation to pay his rent on time.

Order

An order will issue requiring the Respondent to pay to the Applicant rental arrears in the amount of \$769 and to pay his rent on time in the future.

Adelle Guigon
Deputy Rental Officer