

IN THE MATTER between **Hay River Mobile Home Park Ltd.**, Applicant, and **Brent Johnson**, 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 Fort Smith in the Northwest Territories**.

BETWEEN:

**HAY RIVER MOBILE HOME PARK LTD.**

Applicant/Landlord

- and -

**BRENT JOHNSON**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$2,020 (two thousand twenty dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of November 2013.

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Adelle Guigon  
Deputy Rental Officer

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

**BRENT JOHNSON**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** November 20, 2013

**Place of the Hearing:** Yellowknife, Northwest Territories, via Teleconference

**Appearances at Hearing:** Michelle Schaub, representing the Applicant

**Date of Decision:** November 20, 2013

### **REASONS FOR DECISION**

The application to a rental officer made by the Hay River Mobile Home Park Ltd. as the applicant/landlord against Brent Johnson as the respondent/tenant was received and filed by the Rental Office October 8, 2013. The application was regarding the rental premises known as 31 Caribou Court in Fort Smith, Northwest Territories. The applicant served a copy of the filed application package on the respondent by registered mail sent October 21, 2013. It was deemed served pursuant to section 71(5) of the *Residential Tenancies Act* on October 28, 2013.

The applicant alleges the respondent has rental arrears. Evidence in support of the application is listed in Appendix A attached to this order. The applicant is seeking an order for payment of rental arrears and that future rent be paid on time.

A hearing was scheduled for November 20, 2013. The parties were served with notices of attendance by registered mail sent November 1, 2013. Ms. Michelle Schaub appeared, representing the applicant. Mr. Johnson was deemed served pursuant to section 71(5) of the Act on November 8, 2013. Mr. Johnson did not appear at hearing, nor did anyone else appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Ms. Schaub submitted at hearing that Mr. Johnson had accumulated rental arrears as of today's date of \$2,020. She testified that Mr. Johnson's monthly rent is \$280 and – referencing the tenant statement dated November 20, 2013 – the last payment Mr. Johnson made was for \$220 on July 31, 2013.

There were two previous orders of the rental officer between these two parties: 10-10765 ordered April 14, 2009, to pay rental arrears of \$1,300 and future rent on time and 10-12178 ordered June 17, 2011, to pay rental arrears of \$1,700. Ms. Schaub confirmed both of these orders had been satisfied and the current claim for rental arrears had accumulated since April 1, 2013.

#### *Tenancy Agreement*

The lease agreement dated November 4, 2008, is a month-to-month tenancy agreement for a mobile home stall located at 31 Caribou Trailer Park in Fort Smith, Northwest Territories. I am satisfied a valid tenancy agreement is in place.

*Rental Arrears*

The tenant statement is the landlord's accounting of the tenant's payments against his rental account. I am satisfied this statement accurately reflects payments made by Mr. Johnson since April 1, 2013.

Based on the evidence put before me, I find Mr. Johnson currently has rental arrears of \$2,020, representing approximately 7.25 months of rent. An order will issue requiring Mr. Johnson to pay the rental arrears and to pay his future rent on time.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease Agreement dated November 4, 2008

Exhibit 2: Tenant Statement dated October 3, 2013

Exhibit 3: Tenant Statement dated November 20, 2013