

IN THE MATTER between **GBH Holdings Ltd.**, Applicant, and **Kevin St. Amand and Priscilla Nogasak**, Respondents;

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 Inuvik in the Northwest Territories**.

BETWEEN:

GBH HOLDINGS LTD.

Applicant/Landlord

- and -

KEVIN ST. AMAND and PRISCILLA NOGASAK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 13th day of January 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **GBH Holdings Ltd.**, Applicant, and **Kevin St. Amand and Priscilla Nogasak**, Respondents.

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:

GBH HOLDINGS LTD.

Applicant/Landlord

-and-

KEVIN ST. AMAND and PRISCILLA NOGASAK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: December 16, 2013

Place of the Hearing: Inuvik, Northwest Territories, via Teleconference

Appearances at Hearing: Greg Murphy, representing the Applicant

Date of Decision: December 16, 2013

REASONS FOR DECISION

The application to a rental officer made by GBH Holdings Ltd. as the applicant/landlord against Kevin St. Amand and Priscilla Nogasak as the respondents/tenants was filed by the Rental Office October 31, 2013. The application was made regarding a tenancy agreement for the rental premises known as Apartment 2, 40 Tununuk Place, in Inuvik, Northwest Territories. The applicant served a copy of the filed application package on the respondents by personal service November 6, 2013.

The applicant alleged the respondents were repeatedly late paying their rent and had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order. The application was made requesting an order for payment of rental arrears and that future rent be paid on time.

A hearing was scheduled for December 16, 2013. All parties were served with notices of the hearing by registered mail. Mr. Greg Murphy appeared representing the applicant. The respondents signed for their copies of the notice December 11, 2013. Neither of the respondents appeared at the hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Murphy advised me at hearing the respondents had made payments since the application was made, including a payment made earlier today, which brought their rent account to a zero balance. He withdrew his request for an order for payment of rental arrears and asked only for an order that future rent be paid on time.

Tenancy agreement

The tenancy agreement entered into evidence was dated July 7, 2012, for a month-to-month tenancy beginning July 8, 2012, for Apartment 2 at 40 Tununuk Place in Inuvik, Northwest Territories. It was signed by all parties. Section 6 of the tenancy agreement specified the rent was due the first of the month. Schedule A identified the monthly rent at \$1,250. I was satisfied a valid tenancy agreement was in place.

Late payment of rent

The landlord's practice was to provide tenants who were late paying their rent and/or had accumulated rental arrears with reminder notices. These reminder notices identified the apartment number, the date, the amount of the arrears, and asked the tenants to see the manager, Mr. Murphy. The applicant submitted a photocopy of four reminder notices given to the respondents in 2013 dated August 19, September 15, October 18, and October 27.

Also submitted into evidence was a tenant record sheet, which was the landlord's accounting of the application of rent and payments made by the respondents as of September 29, 2013. I was satisfied the tenant record sheet accurately reflected payments made by the respondents to that date. The tenant record sheet showed payments made by the tenants over the course of the tenancy were never made on time.

Mr. Murphy testified the respondents had made full payment against their account for rent, bringing their balance to zero. I was satisfied based on the testimony of Mr. Murphy, the reminder notices, and the tenant record sheet that the respondents had been repeatedly late paying their rent.

An order will issue requiring Mr. St. Amand and Ms. Nogasak to pay their rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Rules of the Building

Exhibit 2: Residential Tenancy Agreement dated July 7, 2012

Exhibit 3: Applicant's correspondence to respondents (undated)

Exhibit 4: Photocopy of four reminder to tenant notes dated August 19, September 15, October 18, and October 27, 2013

Exhibit 5: Tenant Record Sheet for June 23, 2012, to September 29, 2013