

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Gordon Simpson and Eva Nitsiza**, 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 city of Yellowknife in the Northwest Territories**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

GORDON SIMPSON and EVA NITSIZA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$5,442.31 (five thousand four hundred forty-two dollars thirty-one cents).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as apartment 305 at 4905 - 54 Avenue in Yellowknife, Northwest Territories, is terminated May 15, 2014, and the respondents must vacate the rental premises on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of April 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Gordon Simpson and Eva Nitsiza**, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

GORDON SIMPSON and EVA NITSIZA

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 2, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Marie Laberge, representing the applicant
<u>Date of Decision:</u>	April 2, 2014

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Gordon Simpson and Eva Nitsiza as the respondents/tenants was filed by the Rental Office February 11, 2014. The application was made regarding a residential tenancy agreement regarding the rental premises known as apartment 305 at 4905 - 54 Avenue in Yellowknife, Northwest Territories. The applicant served a copy of the filed application package on the respondents by registered mail signed for February 28, 2014.

The applicant alleged the respondents had repeatedly failed to pay their rent on time and had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 2, 2014. Ms. Marie Laberge appeared representing the applicant. The respondents were served notices of attendance by registered mail sent March 18, 2014, which were deemed served pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) March 25, 2014. Neither Mr. Gordon Simpson nor Ms. Eva Nitsiza appeared at hearing, and no one else was present to represent them. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Laberge testified that the respondents had been tenants with the applicant since May 22, 2013. The rent for May to September, November, and half of December were paid by income support; the rent for the remaining months were not paid by income support. The tenants had made payments themselves since October, however these have been inconsistent in both amount and frequency, and have not been of sufficient amount to cover the rent owed. Although the respondents have attended the applicant's office to make payments, they have not approached the applicant directly to discuss their account and available options for settling it. Ms. Laberge requested an order for payment of the accumulated rental arrears as of April 1, 2014, in the amount of \$5,442.31.

Ms. Laberge also requested an order for the termination of the tenancy agreement and eviction of the tenants on the grounds that the respondents have been repeatedly late paying their rent throughout the tenancy and the current accumulated rental arrears are significant, representing approximately four months' rent. The tenancy is further aggravated by the failure of the respondents to respond to the applicant's requests for resolution of the arrears.

Tenancy agreement

The residential lease signed May 22, 2013, is for a fixed-term tenancy agreement starting June 1, 2013, to May 31, 2014. The lease acknowledges early occupancy by the tenants on May 22, 2013, for which pro-rated rent was applied. The lease specifies the amount of the monthly rent and that it is due the first of the month. I am satisfied a valid tenancy agreement is in place and that the tenants are aware of their obligations regarding payment of rent.

Rental arrears

The resident ledger card reflects the landlord's accounting of security deposit, rent, late payment penalties, and payments made to the account. I am satisfied the ledger accurately reflects the application of charges in accordance with the Act and the payments made to the account by or on behalf of the tenants. I find the respondents have accumulated rental arrears in the amount of \$5,442.31.

Termination of the tenancy agreement and eviction

The applicant's claims justifying the termination of the tenancy agreement are based on the tenants' repeated failure to pay the full amount of their rent on time, the accumulation of a significant amount of arrears, and the lack of effort on the part of the tenants to resolve the issue. The applicant's lack of confidence in the tenants' ability to pay future rent on time is understandable. I find termination of the tenancy agreement in this instance is warranted and eviction is justified.

An order will issue for the respondents to pay rental arrears in the amount of \$5,442.31, termination of the tenancy agreement on May 15, 2014, and eviction May 16, 2014, if the tenants have not vacated the rental premises on or before May 15, 2014. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential lease signed May 22, 2013
- Exhibit 2: Resident ledger for May 22, 2013, to February 11, 2014
- Exhibit 3: Resident ledger for May 22, 2013, to April 1, 2014