

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

FREEMAN SMITH

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 \$1,540.00 (one thousand five hundred forty 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 June
2014.

Adelle Guigon
Deputy Rental Officer

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

FREEMAN SMITH

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 18, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Michelle Schaub, representing the applicant Freeman Smith, respondent
<u>Date of Decision:</u>	June 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Mobile Home Park Ltd. as the applicant/landlord against Freeman Smith as the respondent/tenant was filed by the Rental Office March 6, 2014. The application was made regarding a residential tenancy agreement for the land upon which a mobile home is situated at Lot #1, 61 Woodland Drive, in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for April 11, 2014.

The applicant alleged the respondent had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for June 18, 2014. Ms. Michelle Schaub appeared representing the applicant; Mr. Freeman Smith appeared as respondent.

Ms. Schaub testified that Mr. Smith has been a tenant with the Hay River Mobile Home Park Ltd. since July 26, 2006. The rental premises in this instance is the lot upon which a mobile home is situated. At the time of making this application, no payments for rent had been received since September 2013, resulting in rental arrears as of March 6, 2014, of \$1,820. Since then, two payments have been received: one March 17th for \$800 and one April 14th for \$260; The remaining rental arrears as of this hearing date are \$1,540. The applicant is requesting an order for payment of rental arrears and that future rent be paid on time.

Mr. Smith testified that he has been renting out his mobile home to another individual and that tenancy agreement specifies the tenant is to pay rent for the use of the mobile home to Mr. Smith and the rent for the lot directly to the applicant. Mr. Smith was not aware until he received this application to a rental officer that his tenant had been failing to pay the lot rent. Mr. Smith testified that upon receipt of the application he contacted his tenant regarding the outstanding payments. Mr. Smith also advised at hearing that his tenant was now two months behind on his own rent payments. Mr. Smith's discussion with his tenant appears to have resulted in the two payments received by the applicant mentioned above. As the tenant on the residential tenancy agreement for the lot, Mr. Smith acknowledged his responsibility for the rental arrears claimed.

Tenancy agreement

The lease agreement submitted into evidence by the applicant is dated July 26, 2006, for rental of Lot #1 in the Hay River Mobile Home Park Ltd. The parties did not dispute the validity of the lease and I am satisfied it is valid and still in effect.

Rental arrears

The tenant statement submitted into evidence by the applicant reflects the landlord's accounting of monthly rent and payments received between September 1, 2013, and March 1, 2014. I am satisfied this statement accurately represents the account as stated. Ms. Schaub's testimony identified the rental arrears as of June 18, 2014, as \$1,540. Mr. Smith did not dispute this amount. I find Mr. Smith has accumulated rental arrears of \$1,540.

An order will issue for Mr. Smith to pay rental arrears in the amount of \$1,540 and that he pay his rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease agreement dated July 26, 2006

Exhibit 2: Tenant statement dated March 4, 2014