

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **BETTY ANN KAIYOGANA**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

BETTY ANN KAIYOGANA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of two thousand six hundred one dollars (\$2601.00).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of July, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and **BETTY ANN KAIYOGANA**, 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 **Hal Logsdon**, Rental Officer.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

BETTY ANN KAIYOGANA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 25, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Aya Burshan, representing the applicant

Date of Decision: June 25, 2014

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail and confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in her absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent. The applicant sought an order requiring the respondent to pay the alleged rent arrears and to pay future rent on time. The applicant withdrew their request for an order terminating the tenancy and evicting the respondent.

The applicant provided a statement of the rent account which indicated a balance of rent owing of \$5251. The applicant stated that a payment of \$2600 had been made earlier in the day, bringing the balance owing to \$2651. The applicant sought an order in that amount. Two previous orders for rent arrears (file #10-13259 filed on January 8, 2013 and #10-13062 filed on November 6, 2012) have been satisfied.

A returned cheque fee of \$50 charged on January 8, 2013 is denied. The applicant provided no evidence that \$50 was charged by their bank for the returned cheque. Without documentation, I consider the fee a penalty which is prohibited pursuant to section 13 of the *Residential Tenancies Act*.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$2601

calculated as follows:

As per ledger	\$5251
Less returned check fee	(50)
Less June 25 pmt	<u>(2600)</u>
Rent arrears	\$2601

An order shall issue requiring the respondent to pay the applicant rent arrears of \$2601 and to pay future rent on time.

Hal Logsdon
Rental Officer