

IN THE MATTER between **Satdeo Inc.**, Applicant, and **John Dahl**, 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:

SATDEO INC.

Applicant/Landlord

- and -

JOHN DAHL

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay rental arrears in the amount of \$2,600.00 (two thousand six hundred dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as #506, 3 Capital Drive, in Hay River, Northwest Territories, will terminate September 30, 2014, and the respondent must vacate the rental premises on or before that date, unless the rental arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 23rd day of July 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Satdeo Inc.**, Applicant, and **John Dahl**, 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:

SATDEO INC.

Applicant/Landlord

-and-

JOHN DAHL

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 18, 2014
<u>Place of the Hearing:</u>	Hay River, Northwest Territories
<u>Appearances at Hearing:</u>	Malay Das, representing the applicant
<u>Date of Decision:</u>	July 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Satdeo Inc. as the applicant/landlord against John Dahl as the respondent/tenant was filed by the Rental Office May 28, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as #506, 3 Capital Drive, in Hay River, Northwest Territories. The applicant personally served a copy of the filed application package on the respondent June 3, 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 July 18, 2014. Mr. Malay Das appeared representing the applicant. Mr. John Dahl was served a notice of attendance by registered mail deemed served July 3, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). A voicemail was also left for Mr. Dahl on July 17, 2014, confirming the hearing date, place, and time. Mr. Dahl did not appear at hearing nor did anyone appear on his behalf. The hearing proceeded in Mr. Dahl's absence pursuant to section 80(2) of the Act.

Mr. Das testified that Mr. Dahl has been a tenant with an oral tenancy agreement since September 2011 with an agreed upon monthly rent of \$900. Mr. Das described Mr. Dahl as a basically good tenant who paid the agreed upon rent on time each month until November 2012. From November 2012 to December 2013, Mr. Dahl only paid \$750 per month for rent, and from January to June 2014 Mr. Dahl only paid \$800 per month for rent. The rent for July was paid in the full amount owing of \$900. The resulting rental arrears which have accumulated to date total \$2,600. Ms. Das provided a written accounting of the monthly rent and payments received between September 2011 and July 2014.

I am satisfied an oral tenancy agreement is in place between the parties in accordance with the Act. I am satisfied the landlord's accounting of rental arrears is accurate. I find Mr. Dahl has accumulated rental arrears in the amount of \$2,600.

In consideration of the lengthy period over which Mr. Dahl has chosen to pay reduced monthly amounts towards his rent without an order from a rental officer ordering the tenant to recover awarded compensation from the landlord by deducting a specified sum from his rent for a specified number of rent payment periods pursuant to section 84(1) of the Act, I find a conditional termination order justified if Mr. Dahl fails to pay the full amount of rental arrears.

An order will issue requiring Mr. John Dahl to pay rental arrears in the amount of \$2,600, to pay his rent on time in the future, and terminating his tenancy agreement September 30, 2014, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's non-payment of full monthly rent correspondence to respondent dated May 4, 2014

Exhibit 2: Rent payment history for September 2011 to May 2014

Exhibit 3: Applicant's non-payment of full monthly rent correspondence to respondent dated May 14, 2014

Exhibit 4: Applicant's non-payment of full monthly rent correspondence to respondent dated June 2, 2014

Exhibit 5: Rent payment history for September 2011 to June 2014

Exhibit 6: Rent payment history for September 2011 to July 2014