

IN THE MATTER between **YELLOWKNIFE DAIRIES LTD. O/A YKD PROPERTY MANAGEMENT**, Applicant, and **RAYMOND SEEGERTS AND DION EDJERRICON AND MYRLANDA POWDER**, 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, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE DAIRIES LTD. O/A YKD PROPERTY MANAGEMENT

Applicant/Landlord

- and -

RAYMOND SEEGERTS AND DION EDJERRICON AND MYRLANDA POWDER

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of one thousand eight hundred thirty dollars (\$1830.00).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment B, 5104 - 53rd Street, Yellowknife, NT shall be terminated on September 10, 2014 unless the rent arrears and the rent for September, 2014 in the total amount of three thousand nine hundred thirty

dollars (\$3930.00) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 27th day of August,
2014.

Hal Logsdon
Rental Officer

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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 27, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Charles Wyman, representing the applicant

Date of Decision: August 27, 2014

REASONS FOR DECISION

The respondents were sent Notices of Attendance by registered mail on August 8, 2014. At the time of the hearing there was no confirmation of delivery but Canada Post advised that a notice had been left with the respondents on August 12, 2014 advising that the item was available for pick up. A voice mail message was also left advising the respondents of the date, time and location of the hearing. In my opinion, it is not unreasonable to deem the notices served in accordance with section 71(5) of the *Residential Tenancies Act*. The respondents did not appear at the hearing and the matter was heard in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondents. The applicant provided a statement of the rent account which indicated a balance of rent owing of \$3730 as at August 1, 2014. The applicant testified that since that date \$1900 had been paid, leaving a balance owing of \$1830.

The applicant also stated that the respondents had proposed a payment schedule but had failed to make payments in accordance with the proposal. The applicant also stated that they would agree to continue the tenancy if the rent arrears were promptly paid.

I find the respondents in breach of their obligation to pay rent and find rent arrears of \$1830. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent

arrears are promptly paid.

An order shall issue requiring the respondents to pay the applicant rent arrears of \$1830 and terminating the tenancy agreement on September 10, 2014 unless the rent arrears and the September, 2014 rent totalling \$3930 are paid in full. I calculate that amount as follows:

Balance as at August 1, 2014	\$3730
Less payment	(1900)
September/14 rent	<u>2100</u>
Total	\$3930

An eviction order to be effective on September 11, 2014 unless the rent arrears and September rent are paid on or before September 10, 2014 shall be issued separately.

Hal Logsdon
Rental Officer