

IN THE MATTER between **Fort Simpson Property Management**, Applicant, and
Maranda Isaiah, 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,
regarding a rental premises located within the **village of Fort Simpson in the Northwest
Territories.**

BETWEEN:

FORT SIMPSON PROPERTY MANAGEMENT

Applicant/Landlord

- and -

MARANDA ISAIAH

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 \$12,000.00 (twelve thousand dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Property Management**, Applicant, and
Maranda Isaiah, 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:

FORT SIMPSON PROPERTY MANAGEMENT

Applicant/Landlord

-and-

MARANDA ISAIAH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: October 28, 2014

Place of the Hearing: Fort Simpson, Northwest Territories, by teleconference

Appearances at Hearing: Larry Swartz, representing the applicant

Date of Decision: October 28, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Property Management as the applicant/landlord against Dawyne Verge and Maranda Isaiah as the respondents/tenants was filed by the Rental Office July 28, 2014. The application was made regarding a verbal tenancy agreement for the rental premises known as Lot 19-24, Unit 706, 10016 - 99 Street, in Fort Simpson, Northwest Territories. The applicant served the application package on the respondents by registered mail signed for August 22, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and sought an order for payment of rental arrears and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 28, 2014, in Fort Simpson, Northwest Territories. Mr. Larry Swartz appeared representing the applicant. Ms. Maranda Isaiah was personally served a notice of attendance on October 10, 2014. Mr. Dawyne Verge was not successfully served a notice of attendance. Neither Ms. Isaiah nor Mr. Verge appeared at hearing. Mr. Swartz withdrew Mr. Verge's name as respondent from the application, leaving the application against Ms. Isaiah alone. The hearing proceeded in Ms. Isaiah's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Swartz identified himself as the owner of the applicant company Fort Simpson Property Management, which he initiated as a consequence of being given authority to act as agent for Mr. Leo Cordero, also known as Yanny Yan, with respect to Mr. Cordero's rental properties in Fort Simpson, Northwest Territories. Mr. Swartz provided in evidence an e-mail from Mr. Cordero to Mr. Swartz dated April 7, 2014, addressed to whom it may concern confirming Mr. Swartz's authority to act on Mr. Cordero's behalf. Mr. Swartz confirmed under oath the e-mail addresses identified in the e-mail are in fact Mr. Cordero's and his. I accepted Mr. Swartz's authority as landlord for Mr. Cordero's properties.

Mr. Swartz testified that Mr. Cordero had in fact given Mr. Swartz authority to act on his behalf in August 2013 and then promptly left the community. Mr. Swartz began approaching the tenants of Mr. Cordero's properties at that time to introduce himself and request payments of rental arrears. With Mr. Cordero's consent, Mr. Swartz has applied and intends to continue to apply the rents received against the costs of repairing significant deficiencies to the properties; Mr. Swartz opened an account in the name of Fort Simpson Property Management to facilitate collection and use of the rents in this capacity.

Mr. Swartz testified he has approached Ms. Isaiah and Mr. Verge repeatedly since August 2013 regarding outstanding rent payments with no response whatsoever from either. The tenancy agreement for all Mr. Cordero's tenants were oral and Mr. Swartz was told Ms. Isaiah and Mr. Verge's monthly rent was \$800. After multiple unsuccessful attempts to communicate with Ms. Isaiah and Mr. Verge, on May 29, 2014, Mr. Swartz sent a notice to the respondents by registered mail giving them 30 days to either pay the outstanding rent of \$8,000 or vacate the rental premises. The notice identified the rental premises and threatened legal proceedings to recover the rent and possession should the tenants fail to comply. When there still remained no response from the tenants by July 6, 2014, Mr. Swartz made application to a rental officer. Mr. Swartz confirmed the current rental arrears have now accumulated to \$12,000, representing \$800 per month for 15 months.

Having no evidence or testimony before me disputing Mr. Swartz's allegations of rental arrears against Ms. Isaiah, even though Ms. Isaiah was informed of the application filed against her and was notified of her opportunity to speak to the allegations at this hearing, I find Ms. Isaiah has accumulated rental arrears in the amount of \$12,000 to date.

Mr. Swartz did apply for termination of the tenancy agreement and eviction. The oral tenancy agreement was acknowledged by Mr. Swartz to be with Ms. Isaiah and Mr. Verge as joint tenants. As Mr. Verge was not successfully served notice of this hearing and the status of Mr. Verge's occupancy of the rental premises is in question, I declined to consider termination of the tenancy agreement until further efforts were made by Mr. Swartz to determine Mr. Verge's service address.

An order will issue for Ms. Isaiah to pay rental arrears in the amount of \$12,000 and to pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's notice to pay rent or vacate premises correspondence to respondents dated May 29, 2014

Exhibit 2: Photocopy of registered mail receipts dated May 30, 2014

Exhibit 3: Copy of email from leocordero_50@yahoo.ca to lvswartz@yahoo.ca dated April 7, 2014

Exhibit 4: Typewritten submission from applicant