

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Jordan Zoe**,
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 **city of Yellowknife in the Northwest
Territories.**

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

JORDAN ZOE

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 \$4,567.35 (four thousand five hundred sixty-seven dollars thirty-five cents).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as 303, 5720 - 50 Avenue in Yellowknife, Northwest Territories, will terminate December 31, 2014, and the respondent must vacate the rental premises on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 12th day of
December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Jordan Zoe**,
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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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BETWEEN:

NPR LIMITED PARTNERSHIP

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-and-

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 10, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Metslal Mesgun, representing the applicant
<u>Date of Decision:</u>	December 10, 2014

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Jordan Zoe as the respondent/tenant was filed by the Rental Office November 12, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as 303, 5720 - 50 Avenue, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent November 13, 2014.

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

A hearing was scheduled for December 10, 2014, in Yellowknife, Northwest Territories. Ms. Metslal Mesgun appeared representing the applicant. Mr. Jordan Zoe was served a notice of hearing by registered mail deemed served November 25, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). A voicemail was left and an email sent to Mr. Zoe on December 8, 2014, further advising him of the hearing particulars. Mr. Zoe did not appear at hearing nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Ms. Mesgun testified Mr. Zoe has been a tenant at 303, 5720 - 50 Avenue, in Yellowknife, Northwest Territories, since August 2, 2014. He paid his security deposit and first month's rent by August 5, 2014, and then failed to make any further payments until November 6, 2014, that amount being for \$1,800; there have been no further payments received from Mr. Zoe since. Mr. Zoe's monthly rent is \$1,595. The applicant has charged late payment fees each month since September in compliance with the *Residential Tenancies Regulations* (the Regulations). The total rental arrears accumulated to date are \$4,567.35

Ms. Mesgun confirmed that the last contact with Mr. Zoe was November 6th, when he made the \$1,800 payment. A request to resolve his arrears at that time and an offer to negotiate a payment plan were met with defensiveness and were left without response by Mr. Zoe. There has been no further successful communication between the applicant and Mr. Zoe since November 6th.

Tenancy agreement

The tenancy agreement entered into evidence by the applicant was signed by the parties August 3, 2014. It establishes a fixed-term tenancy from September 1, 2014, to August 31, 2015, and confirms Mr. Zoe was permitted early occupancy as of August 5, 2014, from which he was charged a prorated rent for the month of August. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The resident ledger entered into evidence by the applicant represents the landlord's accounting of monthly rent and payments received against the respondent's rent account. I am satisfied this ledger reflects an accurate accounting of the respondent's rent account.

The ledger includes charges for late payment of rent. I am satisfied the amounts charged fall below the maximum limits established in section 3 of the Regulations. I find the respondent has accumulated rental arrears in the amount of \$4,567.35, which represent nearly three months' rent.

Termination of the tenancy agreement and eviction

The amount of rental arrears accumulated within the first five months of a one-year fixed-term tenancy agreement and the respondent's failure to effectively communicate with the applicant justify the termination of the respondent's tenancy agreement and eviction. There appears to be very little upon which to base an expectation that the respondent will either resolve his rental arrears quickly or respect his obligations to pay his rent on time.

An order will issue requiring Mr. Jordan Zoe to pay rental arrears in the amount of \$4,567.35, terminating his tenancy agreement on December 31, 2014, and evicting him from the rental premises on January 1, 2015, or as soon thereafter as is practicable. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated November 6, 2014

Exhibit 2: Applicant's notice to terminate tenancy correspondence to respondent dated September 8, 2014

Exhibit 3: Tenancy agreement signed August 3, 2014

Exhibit 4: Resident ledger dated October 10, 2014