

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Lorna Catholique**, 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 -

LORNA CATHOLIQUE

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 \$1,761.00 (one thousand seven hundred sixty-one dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as 308, 490 Range Lake Road, 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 **Lorna Catholique**, 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:

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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 Lorna Catholique 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 308, 490 Range Lake Road, 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 failed to comply with an order of the rental officer to pay future rent on time. They 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. Ms. Lorna Catholique was served with a notice of attendance by registered mail signed for December 1, 2014. Ms. Catholique did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Mesgun testified Ms. Catholique has been a tenant at the rental premises known as 308, 490 Range Lake Road, in Yellowknife, Northwest Territories, since March 2010. Ms. Catholique has been accumulating rental arrears since March 2014, the amount of which has fluctuated over the intervening months. Ms. Catholique has made semi-regular payments, however, they have not been enough to pay the full amount of each month's rent or to pay down the rental arrears. The current rental arrears have accumulated to \$1,761.00, the amount remaining after the last substantial payment made against Ms. Catholique's rent account on November 13, 2014, of \$3,400. Aside from the November 13th payment, there has been no successful communication with Ms. Catholique since October.

Ms. Catholique has been before the rental officer previously, resulting in the following two orders being made against her:

10-12312 dated September 12, 2011, requiring payment of rental arrears and that future rent be paid on time; and

10-13533 and 10-13533B dated July 9, 2013, requiring payment of rental arrears, termination of the tenancy agreement on July 24, 2013, unless the rental arrears are paid in full, and eviction on July 25, 2013, unless the rental arrears are paid in full by July 24, 2013.

Both of the orders to pay rental arrears were complied with, resulting in the continuation of the tenancy after July 24, 2013.

Ms. Mesgun reiterated the applicant's request for an order for payment of rental arrears, termination of the tenancy agreement, and eviction, citing justification for the latter two orders based on Ms. Catholique's repeated pattern of behaviour in failing to pay the full amount of her rent when it is due and as such her failure to comply with a rental officer order.

Tenancy agreement

The lease entered into evidence by the applicant is dated March 13, 2010, for a tenancy starting March 1, 2010. The lease identifies the rental premises as 308, 490 Range Lake Road, in Yellowknife, Northwest Territories, and was signed by both parties. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears and rental officer order

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. It also includes charges for late payment fees which have been calculated in accordance with the *Residential Tenancies Regulations* (the Regulations). I am satisfied the resident ledger reflects an accurate accounting of the respondent's rent account. I find the respondent has accumulated rental arrears, including late payment fees, in the amount of \$1,761. I further find the respondent has failed to comply with rental officer order number 10-12312 by failing to pay her future rent on time.

Termination of the tenancy agreement and eviction

In considering the respondent's repeated pattern of behaviour in failing to pay the full amount of her rent when it is due, failing to comply with a rental officer order, and continuing to carry accumulated rental arrears, and considering the respondent's decidedly poor effort to communicate with the landlord and resolve the issues, I find justification for termination of the tenancy and eviction.

An order will issue requiring Ms. Lorna Catholique to pay rental arrears in the amount of \$1,761, terminating her tenancy agreement on December 31, 2014, and evicting her 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 7, 2014

Exhibit 2: Applicant's notice to terminate tenancy correspondences to respondent dated: July 7, 2014; August 12, 2014; September 8, 2014; October 9, 2014

Exhibit 3: Applicant's eviction notice correspondence to respondent dated January 7, 2014

Exhibit 4: Applicant's 10 day notice of early termination correspondences to respondent dated: February 15, 2013; February 18, 2013; March 7, 2013; April 10, 2013;

Exhibit 5: Lease signed March 13, 2010

Exhibit 6: Resident ledger dated December 10, 2014