

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Cornelis John Forrest**, 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 -

**CORNELIS JOHN FORREST**

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 \$5,579.00 (five thousand five hundred seventy-nine 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 110, 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.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Cornelis John Forrest**, 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:

**NPR LIMITED PARTNERSHIP**

Applicant/Landlord

-and-

**CORNELIS JOHN FORREST**

Respondent/Tenant

**REASONS FOR DECISION**

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

### **REASONS FOR DECISION**

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Cornelis John Forrest 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 110, 490 Range Lake Road, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent November 12, 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. Cornelis John Forrest was served a notice of attendance by registered mail deemed served November 25, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Forrest did not appear at hearing, nor did anyone appear on his behalf. Attempts to call Mr. Forrest on the telephone number provided on file revealed that number was no longer in service. The hearing proceeded in Mr. Forrest's absence pursuant to section 80(2) of the Act.

Ms. Mesgun testified Mr. Forrest has been a tenant at 110, 490 Range Lake Road, in Yellowknife, Northwest Territories, since January 2006. Until August 2014, there had been no disputes between the parties and the monthly rent was being paid on time each and every month. Starting in August 2014, the preauthorized payments by which Mr. Forrest's rents had previously been paid so regularly were being reversed with insufficient funds (NSF); a successful payment for rent has not been received since July 1, 2014. Late payment fees have been applied against Mr. Forrest's rent account; the current accumulated rental arrears claimed are \$5,579.

The applicant attempted to contact Mr. Forrest in August regarding the reversed payment for rent that month and learned then that the telephone number was no longer in service. Subsequent attempts to contact Mr. Forrest have been unsuccessful. On December 9, 2014, Ms. Mesgun received information by email from Danielle Normandin, identified as a customer service team lead clerk for Northland Utilities (Yellowknife) Limited, that the electricity had been cut off at the

rental premises on November 12, 2014, for failing to pay the electricity bill. On December 10, 2014, Jason Wheeler, a leasing agent for Northern Property REIT, confirmed to Ms. Mesgun by email that he personally observed and unplugged an extension cord that extended from the rental premises to a hallway power outlet. Allowing the rental premises to be without electricity puts Mr. Forrest's safety and the safety of other tenants in the residential complex at risk. Ms. Mesgun submitted that the presence and use of the extension cord, while also being a safety hazard, confirms that the rental premises is still occupied. Having received no notice or communication from Mr. Forrest, he remains responsible for the terms of the tenancy agreement and as such is responsible for the outstanding rent and complying with his obligation to pay his electricity bill.

Ms. Mesgun confirmed 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 based on Mr. Forrest's failure to communicate with the landlord, repeated failure to pay his rent, and failure to comply with his obligation to pay for utilities.

#### *Tenancy agreement*

The lease entered into evidence by the applicant was made between the parties on January 17, 2006, regarding the rental premises identified as 110, 490 Range Lake Road, in Yellowknife, Northwest Territories. 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. The ledger also includes charges for late payment fees calculated in accordance with the *Residential Tenancies Regulations* (the Regulations). I am satisfied the accounting in the resident ledger accurately reflects the status of the respondent's rent account. I find the respondent has accumulated rental arrears in the amount of \$5,579.

*Obligation to pay utilities*

Section 3.00 of the lease specifies the monthly rent does not include electricity, phone, and cable, and that the tenant is responsible for the service of and payment for these services to the rental premises. Section 5.02 of the lease specifies the tenant shall pay, as and when due, all charges for services and utilities supplied to the rental premises during the term of the lease which are the responsibility of the tenant. The email from Danielle Normandin of Northland Utilities (Yellowknife) Limited to Metslal Mesgun of NPR Limited Partnership dated December 9, 2014, confirms the electricity bill had not been paid, resulting in the electricity being cut off to the rental premises on November 12, 2014. The use of an extension cord by the occupant of the rental premises, as observed by Jason Wheeler of Northern Property REIT, suggests there was no internal electricity to the rental premises on December 10, 2014. I find the respondent has failed to comply with his obligation to pay his electricity bill in accordance with the terms of his lease.

*Termination of the tenancy agreement and eviction*

Based on the complete lack of communication by the respondent with the applicant, the respondent's failure to pay any rent since August 2014, the amount of accumulated rental arrears, and the breach of his obligation to pay utilities in accordance with the terms of his lease, I find justification for termination of the respondent's tenancy agreement and eviction.

An order will issue requiring Mr. Cornelis John Forrest to pay rental arrears in the amount of \$5,579, 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.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated November 7, 2014

Exhibit 2: Applicant's notice for outstanding balance correspondence to respondent dated September 11, 2008

Exhibit 3: Applicant's correspondence to respondent dated March 8, 2010

Exhibit 4: Applicant's notice to terminate tenancy correspondence to respondent dated September 8, 2014

Exhibit 5: Lease made January 17, 2006

Exhibit 6: Resident ledger dated December 10, 2014