

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Sean Tweten and Denise Tweten**, Respondents;

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 -

SEAN TWETEN and DENISE TWETEN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$2,632.00 (two thousand six hundred thirty-two dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as 997 Gitzel Street in Yellowknife, Northwest Territories, will terminate March 31, 2015, unless the rental arrears are paid in full and the rents for January to March 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 15th day of December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Sean Tweten and Denise Tweten**, Respondents.

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-

SEAN TWETEN and DENISE TWETEN

Respondents/Tenants

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 Sean Tweten and Denise Tweten as the respondents/tenants was filed by the Rental Office November 19, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as 997 Gitzel Street in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondents by email deemed received November 24, 2014, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged in the application the respondents 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 his order.

A hearing was scheduled for December 10, 2014, in Yellowknife, Northwest Territories. Ms. Metslal Mesgun appeared representing the applicant. Mr. Sean Tweten and Ms. Denise Tweten were served notices of attendance by registered mail signed for November 26, 2014. Mr. Tweten and Ms. Tweten did not appear at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Mesgun withdrew the applicant's request for an eviction order, stating they would be satisfied in this case with a conditional termination order. The respondents have been tenants at 997 Gitzel Street in Yellowknife, Northwest Territories, since December 15, 2012. As of January 1, 2014, the monthly rent has been \$1,970. In October 2013 the respondents started paying the rent late. Although payments continued to be made each month, since February 2014 they have been consistently late and of insufficient amounts to cover the full amount of the rent. Late payment fees were charged against the rent account. The current rental arrears, including the late payment fees, have accumulated to \$2,632.

The respondents' last payment was received on December 2, 2014, for \$1,200; prior to that, the last contact was made when this application was filed. Ms. Mesgun testified she is open to negotiating a payment plan with these tenants if they would only communicate with her, and she was disappointed they did not attend this hearing so they could facilitate that.

Tenancy agreement

The lease entered into evidence by the applicant was made between the parties on December 3, 2012, for a tenancy commencing December 15, 2012, at the rental premises known as 997 Gitzel Street 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 made against the respondents' rent account. It includes charges for late payment fees calculated in accordance with the Regulations. I am satisfied the resident ledger accurately reflects the status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$2,632.

Termination of the tenancy agreement

The respondents' repeated failure over the course of their tenancy to pay the full amount of their rent on time and the current accumulated rental arrears justifies termination of the tenancy agreement. In consideration of the applicant's request and the efforts of the respondents to at least make payments every month towards their rental arrears as exhibited in the resident ledger, a conditional termination order is appropriate in this case.

An order will issue requiring Mr. Sean Tweten and Ms. Denise Tweten to pay rental arrears in the amount of \$2,632, to pay their future rent on time, and terminating their tenancy agreement March 31, 2015, unless their rental arrears are paid in full and the rents for January to March 2015 are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated November 18, 2014

Exhibit 2: Applicant's notice to terminate tenancy correspondences to respondents dated:
February 6, 2014; April 8, 2014; June 3, 2014; September 8, 2014

Exhibit 3: Applicant's 10 day notice of early termination correspondences to respondents dated:
March 7, 2013; April 10, 2013

Exhibit 4: Lease made December 3, 2012