

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Michael Fraser**,
Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **Adelle Guigon**, Deputy Rental Officer,
regarding a rental premises within **the city of Yellowknife in the Northwest Territories**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

MICHAEL FRASER

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 \$3,016.34 (three thousand sixteen dollars thirty-four cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his 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 for the rental premises known as 208, 4905 - 54 Avenue, in Yellowknife, Northwest Territories, will terminate June 30, 2015, unless the rental arrears are paid in full and the rents for January to June 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 9th day of January
2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Michael Fraser**,
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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

MICHAEL FRASER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 10, 2014

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: Metslal Mesgun, representing the applicant
Michael Fraser, respondent

Date of Decision: December 10, 2014

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Michael Fraser as the respondent/tenant was filed by the Rental Office November 20, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as 208, 4905 - 54 Avenue, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent November 21, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and sought an order for payment of the 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. Michael Fraser appeared as respondent.

Ms. Mesgun testified Mr. Fraser has been a tenant occupying the rental premises known as 208, 4905 - 54 Avenue, in Yellowknife, Northwest Territories, since December 30, 2011. Although Mr. Fraser has frequently brought his rent account balance to zero, his payments have been repeatedly late and of insufficient amount to cover the monthly rent and accumulated rental arrears. The last zero balance to the account was recorded on June 13, 2014. Since then payments have been received alternately from Mr. Fraser and from income assistance; none of those payments have been of sufficient amount to cover the rent and arrears. Mr. Fraser's current rental arrears are \$3,016.34.

Mr. Fraser testified he has been having difficulties paying the full amount of his rent recently due to issues with income assistance processing his file. Earlier in the year Mr. Fraser suffered a workplace injury and has been unable to work. As a result he sold his company in May, the monies from which have gone to paying outstanding bills and his rent; hence the last zero balance to Mr. Fraser's rent account being recorded on June 13, 2014. Since then Mr. Fraser has been attempting to access income assistance and social services disability benefits, with limited success. Having just spoken to income assistance prior to this hearing, Mr. Fraser expects they will be making another payment on his behalf today of \$900. Ms. Mesgun confirmed she was aware this was supposed to happen but the payment had not yet come through and therefore was not included in the resident ledger presented at hearing. Mr. Fraser is also expecting disability benefits to be paid out, but these payments are pending a decision which must be made by social services.

Mr. Fraser has made arrangements with his nephew to make a substantial payment against his rent account on December 15, 2014, of which Ms. Mesgun is aware. Mr. Fraser and Ms. Mesgun have remained in communication regarding Mr. Fraser's situation. As a result, Ms. Mesgun withdrew her request for eviction, requesting instead that Mr. Fraser be ordered to pay his rental arrears, to pay his future rent on time, and terminating his tenancy agreement if the rental arrears are not paid in full.

Tenancy agreement

The lease entered into evidence by the applicant establishes a residential tenancy agreement made between the parties for the rental premises identified as 208, 4905 - 54 Avenue, in Yellowknife, Northwest Territories, starting December 30, 2011. The parties did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (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 respondent did not dispute the accuracy of the accounting. I am satisfied the resident ledger accurately reflects the current status of the respondent's rent account. I find the respondent has accumulated rental arrears in the amount of \$3,016.34.

Termination of the tenancy agreement

In consideration of the substantial amount of rental arrears, and in recognizing the respondent's current personal circumstances and the efforts he is making to resolve matters, a conditional termination order is justified. A substantial amount of time will be given the respondent to resolve his arrears and prove his ability to pay his monthly rent on time in the future.

An order will issue requiring Mr. Michael Fraser to pay rental arrears in the amount of \$3,016.34, to pay his rent on time in the future, and terminating his tenancy agreement June 30, 2015, unless the rental arrears are paid in full and his rents for January to June 2015 are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated November 19, 2014

Exhibit 2: Applicant's notice to terminate tenancy correspondences to respondent dated: June 3, 2014; July 7, 2014; August 12, 2014; September 8, 2014; October 9, 2014;

Exhibit 3: Applicant's 10 day notice of early termination correspondences to respondent dated: March 7, 2012; April 9, 2012; May 7, 2012; July 12, 2012; November 14, 2012;

Exhibit 4: Lease made December 22, 2011

Exhibit 5: Resident ledger dated December 10, 2014