

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Fabian Franki**,  
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 -

**FABIAN FRANKI**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(3) of the *Residential Tenancies Act*, paragraph 1 of rental officer order 10-14311 is rescinded and the respondent is ordered to pay rental arrears in the amount of \$4,867.83 (four thousand eight hundred sixty-seven dollars eighty-three cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her 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 G313, 900 Lanky Court, in Yellowknife, Northwest Territories, will terminate March 31, 2015, unless \$3,000.00 (three thousand dollars) has been paid against the rental arrears on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 20th day of February 2015.

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Adelle Guigon  
Deputy Rental Officer

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BETWEEN:

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Applicant/Landlord

-and-

**FABIAN FRANKI**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>February 18, 2015</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 Fabian Franki, respondent</b>
<b><u>Date of Decision:</u></b>	<b>February 18, 2015</b>

**REASONS FOR DECISION**

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Fabian Franki as the respondent/tenant was filed by the Rental Office January 14, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as G313, 900 Lanky Court, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent January 15, 2015.

The applicant alleged 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 February 18, 2015, in Yellowknife, Northwest Territories. Ms. Metslal Mesgun appeared representing the applicant. Ms. Fabian Franki appeared as respondent.

The parties agreed that Ms. Franki is a tenant at the rental premises known as G313, 900 Lanky Court, in Yellowknife, Northwest Territories. Her tenancy started April 1, 2011. The parties agreed the monthly rent is currently \$1,865 and is due the first of each month. The parties further agreed that the current rental arrears are \$4,867.83.

The parties agreed there have been four previous rental officer orders issued against Ms. Franki: 10-12749 dated May 9, 2012; 10-13717 dated November 28, 2013; 10-14001 dated May 16, 2014; and 10-14311 dated November 5, 2014. The first three orders have all been satisfied. Rental officer order number 10-14311 required Ms. Franki to pay her rental arrears in minimum monthly installments of \$500 and to pay her monthly rent on time in the future. The payments Ms. Franki has made to date have met the minimum monthly installments towards her rental arrears, however, they have not been of sufficient amount to also pay the full amount of her monthly rent. As such, Ms. Franki has failed to comply with the rental officer's order to pay her rent on time in the future.

Ms. Franki explained that her mother had been diagnosed as terminally ill in July 2014. Ms. Franki was obligated to assist in her mother's care, which often kept her from work. As time progressed, Ms. Franki spent more time caring for her mother and less time earning an income, resulting in her inability to pay the full amount of her monthly rent. In December Ms. Franki was dismissed from her employment. She consequently applied for income assistance and

employment insurance, both of which have been approved, putting her in a better position to resolve her arrears and meet her obligations to pay her monthly rent on time. Ms. Franki advised that as soon as she receives her T4 she will be accessing H&R Block's services to complete her tax return and receive instant cash back, putting those funds directly to her rental arrears; she expects her return to be approximately \$2,500. She also advised that based on her current income, and with income assistance, she could pay \$500 towards her rental arrears in addition to the rent for March by March 15<sup>th</sup>. With income assistance and employment insurance now in place she expects to be able to pay her monthly rent on time starting in April.

Ms. Mesgun was not opposed to permitting Ms. Franki the opportunity to resolve her rental arrears, but cited justification for conditional termination and eviction orders on Ms. Franki's history of rental arrears.

Having heard no dispute regarding the validity of the tenancy agreement and the amount of rental arrears claimed, and having as exhibits the residential tenancy agreement and resident ledgers supporting the claims, I find the respondent has current rental arrears in the amount of \$4,867.83. I also find the respondent has failed to comply with her obligation to pay her rent on time.

I agree as well with the applicant's request for conditional termination and eviction. Ms. Franki's pattern of behaviour established by the evidenced resident ledgers and the previous rental officer orders shows a repeated failure to pay the full amount of her rent when it is due which has resulted in accumulations of rental arrears since her tenancy started. Although she has successfully satisfied the previous rental officer orders, the repetitive behaviour is concerning and to my mind justifies a stricter order in this instance.

An order will issue rescinding paragraph 1 of rental officer order number 10-14311 and requiring Ms. Fabian Franki to pay rental arrears in the amount of \$4,867.83, to pay her rent on time in the future, terminating her tenancy agreement March 31, 2015, unless \$3,000 is paid towards her rental arrears on or before that date, and evicting her from the rental premises April 1, 2015, if the termination of the tenancy agreement becomes effective March 31, 2015. The eviction order will follow under separate cover.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated January 8, 2015

Exhibit 2: Applicant's notice to terminate tenancy correspondences to respondent dated: August 12, 2014; June 3, 2014; February 6, 2014

Exhibit 3: Applicant's 10 day notice of early termination correspondences to respondent dated: August 20, 2013; April 10, 2013; March 7, 2013; February 15, 2013; January 16, 2013

Exhibit 4: Lease made August 30, 2011

Exhibit 5: Resident ledger dated February 18, 2015