

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Andre Laffin and Edna Squirrel**, 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 -

ANDRE LAFFIN and EDNA SQUIRREL

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 \$2,210.00 (two thousand two hundred ten 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 #316, 490 Range Lake Road, in Yellowknife, Northwest Territories, will terminate April 30, 2015, and the respondents must vacate the rental premises on or before that date.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Andre Laffin and Edna Squirrel**, 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-

ANDRE LAFFIN and EDNA SQUIRREL

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 18, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Metslal Mesgun, representing the applicant
<u>Date of Decision:</u>	February 18, 2015

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Andre Laffin and Edna Squirrel as the respondents/tenants was filed by the Rental Office January 27, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #316, 490 Range Lake Road, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondents January 29, 2015.

The applicant alleged the respondents had accumulated additional rental arrears and had failed to pay their rent on time in accordance with rental officer order number 10-14434. They sought an order for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for February 18, 2015, in Yellowknife, Northwest Territories. Ms. Metslal Mesgun appeared representing the applicant. Mr. Andre Laffin and Ms. Edna Squirrel were served with notices of attendance by registered mail deemed served January 6, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Mr. Laffin nor Ms. Squirrel appeared at hearing. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Mesgun testified that the respondents had appeared at a hearing before the rental officer on December 10, 2014, regarding rental officer file number 10-14434. At that hearing it was determined the respondents had accumulated rental arrears in the amount of \$2,361.95. The respondents testified at the time that they would be able to have the rental arrears paid off by the end of January 2015. The parties agreed an order for payment of the rental arrears, that future rent be paid on time, and conditionally terminating the tenancy agreement April 30, 2015, should the rental arrears not be paid in full would be an appropriate resolution under the circumstances; the rental officer agreed and the order was issued.

Since then, the respondents have made one payment of \$500 against their rent account. Rather than the rental arrears being reduced, they have increased substantially; as of this hearing date the rental arrears have accumulated to \$4,571.95. As well, Ms. Mesgun testified that she has had no contact or communication from the respondents to explain their failure to comply with the rental officer order. She requested on the applicant's behalf an order for the additionally accumulated rental arrears, termination of the tenancy agreement, and eviction.

.../3

Tenancy agreement

The residential lease entered into between the parties for the rental premises known as #316, 490 Range Lake Road, in Yellowknife, Northwest Territories, establishes a fixed-term tenancy beginning November 1, 2013, and ending October 31, 2014; the tenancy agreement was automatically renewed as a monthly tenancy on November 1, 2014, in accordance with section 49(1) of the Act. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The resident ledger entered into evidence represents the landlord's accounting of monthly rent and payments received against the respondents' rent account. I am satisfied the accounting is accurate and in accordance with the Act and *Residential Tenancies Regulations* (the Regulations). I find the respondents have accumulated rental arrears in the amount of \$4,571.95.

Rental officer order number 10-14434 required the respondents to pay rental arrears in the amount of \$2,361.95, to pay their future rent on time, and terminated their tenancy agreement April 30, 2015, unless the rental arrears were paid in full. The resident ledger indicates the respondents failed to pay the full amount of rent for January and February 2015, having made one payment of \$500 in January. I find the respondents have failed to comply with rental officer order number 10-14434 by failing to pay their rent on time, and they have failed to comply with their obligation to pay the full amount of rent on the days that it is due.

An enforceable order is already in place for payment of rental arrears in the amount of \$2,361.95. I do not have the authority under the Act to rescind an order unless it contains a monthly installment plan (payment plan). As such, the order for payment of rental arrears issued from this hearing will be for the amount of \$2,210, which is the difference between the current total rental arrears of \$4,571.95 and the previous order total of \$2,361.95.

Termination of the tenancy agreement and eviction

The failure of the respondents to comply with an order of the rental officer and to comply with their obligation to pay the full amount of their rent on time combined with a substantial increase to their rental arrears and the lack of effort to communicate with the applicant justifies termination of the tenancy agreement and eviction. As indicated above, I do not have the

authority to rescind a rental officer order. To avoid confusion at the enforcement level, I will issue an order now to terminate this tenancy agreement unconditionally on April 30, 2015, and will issue an order for eviction on May 1, 2015. The applicant retains the right to make further application for any additional rental arrears that accumulate or with regard to other issues which may arise under the tenancy agreement.

An order will issue requiring Mr. Andre Laffin and Ms. Edna Squirrel to pay rental arrears in the amount of \$2,210, terminating their tenancy agreement April 30, 2015, and evicting them from the rental premises May 1, 2015. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated January 26, 2015

Exhibit 2: Applicant's notice to terminate tenancy correspondences to respondents dated August 12, 2014; July 7, 2014; June 3, 2014; April 9, 2014

Exhibit 3: Residential lease signed October 30, 2013

Exhibit 4: Resident ledger dated February 18, 2015