

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Norma Nitsiza**,
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 -

NORMA NITSIZA

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 \$1,928.54 (one thousand nine hundred twenty-eight dollars fifty-four 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 for the rental premises known as E109, 900 Lanky Court, in Yellowknife, Northwest Territories, will terminate March 31, 2015, unless the rental arrears of \$1,928.54 (one thousand nine hundred twenty-eight dollars fifty-four cents) are paid in full by that date.

DATED at the City of Yellowknife in the Northwest Territories this 25th day of February 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Norma Nitsiza**,
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-

NORMA NITSIZA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 18, 2015

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: Metslal Mesgun, representing the applicant
Norma Nitsiza, respondent

Date of Decision: February 18, 2015

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Norma Nitsiza as the respondent/tenant was filed by the Rental Office January 27, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as E109, 900 Lanky Court, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent January 29, 2015.

The applicant alleged the respondent had accumulated rental arrears and requested an order for payment of rental arrears, that future rent be paid on time, terminating 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. Norma Nitsiza appeared as respondent.

The parties agreed that a tenancy agreement was in place between them for the rental premises known as E109, 900 Lanky Court, in Yellowknife, Northwest Territories. Ms. Mesgun testified that Ms. Nitsiza has been repeatedly late paying her rent throughout the tenancy; the last near-zero balance was recorded on October 31, 2014, in the amount of \$24.82. The agreed upon monthly rent is \$1,895. Late payment penalties have been applied to the account. The current rental arrears claimed are \$1,928.54.

Ms. Nitsiza did not dispute the allegations and acknowledged the current rental arrears claimed. She expected to have the rental arrears and her rent for March paid in full by the second week of March. She advised that she is no longer on income support, but is in a position to satisfy her account as mentioned.

Ms. Mesgun requested an order for payment of the rental arrears, that future rent be paid on time, and indicated she would be satisfied with a termination order conditional on payment of the rental arrears in full. Ms. Nitsiza was in agreement with this request.

Tenancy agreement

The residential lease entered into evidence and the parties testimony establishes a residential tenancy agreement for the rental premises known as E109, 900 Lanky Court, in Yellowknife, Northwest Territories. The tenancy began September 1, 2013, and the agreement identified the monthly rent as \$1,895. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rents, late payment penalties, and payments received against the respondent's rent account. The respondent did not dispute the accuracy of the resident ledger. I am satisfied the resident ledger accurately reflects the status of the respondent's rent account and I find the respondent has rental arrears in the amount of \$1,928.54.

Termination of the tenancy agreement

The resident ledger corroborates the applicant's testimony that the respondent has been repeatedly late paying her rent throughout her tenancy, which the respondent did not dispute. The respondent's repeated failure to comply with her obligation to pay her rent in full when it is due justifies termination of the tenancy agreement. However, this is the first time the respondent has been brought before a rental officer and she has indicated an ability to resolve her rental arrears. She has further indicated an understanding of the seriousness of this type of breach and the possible consequences. I accept the applicant's request for conditional termination of the tenancy agreement on payment of the rental arrears in full as reasonable under the circumstances.

An order will issue requiring Ms. Norma Nitsiza to pay rental arrears in the amount of \$1,928.54, to pay her rent on time in the future, and terminating her tenancy agreement March 31, 2015, unless the rental arrears are paid in full by that date.

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 respondent dated: January 9, 2015; December 8, 2014; November 12, 2014; October 9, 2014; September 8, 2014; July 7, 2014

Exhibit 3: Residential lease signed September 3, 2013

Exhibit 4: Resident ledger dated February 18, 2015