

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Kyla Greene and Pamela Lennie**, 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 -

KYLA GREENE and PAMELA LENNIE

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 \$2,250.67 (two thousand two hundred fifty dollars sixty-seven cents).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as #102, 4905 - 54 Avenue, in Yellowknife, Northwest Territories, will terminate February 28, 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 **Kyla Greene and Pamela Lennie**, 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-

KYLA GREENE AND PAMELA LENNIE

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 Kyla Greene and Pamela Lennie as the respondents/tenants was filed by the Rental Office January 28, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #102, 4905 - 54 Avenue, in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondents by emails sent January 29, 2015; the application was deemed received February 1, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had accumulated substantial 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. Kyla Greene and Ms. Pamela Lennie were sent notices of attendance by registered mail deemed served February 9, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Ms. Greene nor Ms. Lennie appeared at hearing; the hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Mesgun testified the respondents have been joint tenants for the rental premises at #102, 4905 - 54 Avenue, in Yellowknife, Northwest Territories, since September 15, 2014. The monthly rent was agreed by written tenancy agreement to \$1,595 plus a \$25 per month pet fee. The respondents were charged prorated rent for the month of September. A payment of \$1,500 was received August 27, 2014, prior to taking occupancy of the premises. No further payments were received until November 27th and then only for \$500. Subsequent payments were received on December 4th, December 17th, January 5th, and January 21st, however, they were of insufficient amounts to either bring the rent account to a zero balance or to cover the full amount of monthly rents. Promises of payments were made by Ms. Lennie to the applicant which were not fulfilled. After receipt of the filed application to a rental officer, Ms. Lennie contacted the applicant on February 3rd and made a payment of \$2,000 towards the rental arrears. The current outstanding rent is \$2,250.67, representing approximately 1.4 months of rent.

Ms. Mesgun requested an order for payment of rental arrears and justified the applicant's request for termination of the tenancy agreement and eviction based on the respondents' repeated failure since commencement of the tenancy to pay the full amount of rent when it is due and to honour subsequent promises to pay.

Tenancy agreement

The residential tenancy agreement entered into between the parties establishes a fixed-term tenancy for the identified rental premises commencing October 1, 2014, for 12 months, and that early occupancy was granted starting September 15, 2014, at a prorated rent amount. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rent and payments received against the respondents' rent account. I am satisfied the accounting is in order and I find the respondents have accumulated rental arrears in the amount of \$2,250.67.

Termination of the tenancy agreement and eviction

The resident ledger corroborates the applicant's testimony with respect to the respondents' repeated failure to pay the full amount of rent when it is due. The respondents have not carried a zero balance to their rent account since October 2014. What payments have been received have been inconsistent and for insufficient amounts. There have been notices sent to the respondents regarding the rental arrears accumulated each in November, December, and January without satisfactory resolution. The rental arrears and pattern of behaviour have resulted in a substantial breach of the tenancy agreement. No assurance has been received of the respondents' ability or willingness to either resolve the arrears or ensure payment of future rent on time. I find justification both for termination of the tenancy agreement and eviction.

An order will issue requiring Ms. Kyla Greene and Ms. Pamela Lennie to pay rental arrears in the amount of \$2,250.67, terminating their tenancy agreement February 28, 2015, and evicting them from the rental premises March 1, 2015. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX

Exhibits

Exhibit 1: Resident ledger dated January 27, 2015

Exhibit 2: Applicant's notice to terminate correspondences to respondents dated: January 9, 2015; December 8, 2014; November 12, 2014

Exhibit 3: Email from Pamela Lennie to Metslal Mesgun dated January 16, 2015

Exhibit 4: Tenancy agreement signed September 15, 2014