

IN THE MATTER between **Yellowknife Dairies Ltd. o/a YKD Property Management**, Applicant, and **Roger Dunning**, 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:

YELLOWKNIFE DAIRIES LTD.

o/a YKD PROPERTY MANAGEMENT

Applicant/Landlord

- and -

ROGER DUNNING

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 \$8,525.00 (eight thousand five hundred twenty-five dollars).

DATED at the City of Yellowknife in the Northwest Territories this 5th day of June 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Yellowknife Dairies Ltd. o/a YKD PROPERTY MANAGEMENT**, Applicant, and **Roger Dunning**, 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:

YELLOWKNIFE DAIRIES LTD.

o/a YKD PROPERTY MANAGEMENT

Applicant/Landlord

-and-

ROGER DUNNING

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 27, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Charles Wyman, representing the applicant
<u>Date of Decision:</u>	May 27, 2015

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Dairies Ltd. o/a YKD Property Management as the applicant/landlord against Roger Dunning as the respondent/tenant was filed by the Rental Office April 29, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as 101 Stinson Road in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondents April 30, 2015.

The applicant alleged the respondent had repeatedly failed to pay the full amount of rent when due and had accumulated rental arrears. An order was sought for payment of the rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for May 27, 2015, in Yellowknife, Northwest Territories. Mr. Charles Wyman appeared representing the applicant. Mr. Roger Dunning was sent a notice of attendance by registered mail deemed served May 12, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Dunning did not appear at hearing nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Mr. Wyman testified that Mr. Dunning is a tenant occupying 101 Stinson Road in Yellowknife, Northwest Territories; the tenancy commenced October 1, 2014. The agreed upon monthly rent was set at \$1,800. Although the full security deposit of \$1,800 was paid by October 1, 2014, the monthly rents have not been paid in full by their due dates. A payment of \$2,500 was made on December 5, 2014, which was returned by the bank with insufficient funds (NSF); a \$25 NSF fee was charged to Mr. Dunning's rent account. Subsequent payments were received January 16, 2015, for \$1,800, March 9, 2015, for \$2,200, and May 15, 2015, for \$1,000. The current rental arrears owing have accumulated to \$8,525 representing approximately 4.75 months' rent.

Mr. Wyman provided a current tenant aged detail supporting the amount of rental arrears claimed and requested an order for payment of rental arrears. Mr. Wyman indicated that conversations have been had with Mr. Dunning wherein his debt was acknowledged and an agreement to pay was made.

I am satisfied that a valid tenancy agreement is in place between the parties and that there are rental arrears accumulated against the respondent's rent account in the amount of \$8,525. An order will issue requiring Mr. Roger Dunning to pay rental arrears in the amount of \$8,525.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Tenant aged detail as at April 29, 2015

Exhibit 2: Tenant aged detail as at May 27, 2015

Exhibit 3: Roger A. Dunning's cheque number 142 dated December 1, 2014, marked as "Item Dishonoured"