

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Paul McKiel and Jessica Sedgwick**, 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 -

PAUL MCKIEL and JESSICA SEDGWICK

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 \$7,442.00 (seven thousand four hundred forty-two dollars).

DATED at the City of Yellowknife in the Northwest Territories this 31st day of July 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Paul McKiel and Jessica Sedgwick**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

PAUL MCKIEL and JESSICA SEDGWICK

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 24, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Metslal Mesgun, representing the applicant Paul McKiel, respondent
<u>Date of Decision:</u>	June 24, 2015

REASONS FOR DECISION

An application to a rental officer made by Northern Property REIT as the applicant/landlord against Paul McKiel and Jessica Sedgwick as the respondents/tenants was filed by the Rental Office May 5, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as 868 Lanky Court in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondents by email deemed received May 8, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had accumulated rental arrears and sought payment of the 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 June 24, 2015, in Yellowknife, Northwest Territories. Ms. Metslal Mesgun appeared representing the applicant. Mr. Paul McKiel appeared as respondent and on behalf of Ms. Jessica Sedgwick.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes an agreement between NPR Limited Partnership as the landlord and Paul McKiel and Jessica Sedgwick as the tenants commencing September 15, 2014, for a fixed term ending September 30, 2015. The rental premises was identified as 868 Lanky Court in Yellowknife, Northwest Territories. The parties did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the *Residential Tenancies Act*.

I recognize and acknowledge that Northern Property REIT and NPR Limited Partnership are the same entity, and accept the application to a rental officer as written. However, due to the signed tenancy agreement identifying the landlord as NPR Limited Partnership the landlord will be so identified going forward and in the style of cause.

At hearing, the parties agreed that the tenants had given up vacant possession of the rental premises on June 18, 2015, effectively abandoning their fixed-term tenancy.

Rental arrears

The resident ledger entered into evidence by the applicant represents the landlord's accounting of monthly rent, late payment penalties, and payments received against the respondents' rent account. Mr. McKiel did not dispute the accuracy of accounting, citing only that when they entered into the tenancy agreement the utilities costs were misrepresented and substantially higher than the respondents could afford. As a consequence of trying to balance their payments between their rent and utilities obligations, they fell substantially behind in their rent payments.

I am satisfied the resident ledger accurately represents the status of the respondents' rent account and I find the respondents have accumulated rental arrears in the amount of \$7,442.

Order

An order will issue requiring Mr. Paul McKiel and Ms. Jessica Sedgwick to pay rental arrears in the amount of \$7,442.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated May 5, 2015

Exhibit 2: Payment plan dated April 7, 2015

Exhibit 3: Applicant's notice to terminate tenancy correspondences to respondents dated: March 9, 2015; February 9, 2015; January 9, 2015; December 8, 2014;

Exhibit 4: Tenancy agreement

Exhibit 5: Applicant's notice to terminate tenancy correspondence to respondent dated April 10, 2015

Exhibit 6: Resident ledger dated June 24, 2015