

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

**YELLOWKNIFE DAIRIES LTD. o/a YKD PROPERTY MANAGEMENT**

Applicant/Landlord

- and -

**ADAM MONTAGUE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 10th day of August 2015.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Yellowknife Dairies Ltd. o/a YKD Property Management**, Applicant, and **Adam Montague**, 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-

**ADAM MONTAGUE**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>June 24, 2015</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Charles Wyman, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>June 24, 2015</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Yellowknife Dairies Ltd. o/a YKD Property Management as the applicant/landlord against Adam Montague as the respondent/tenant was filed by the Rental Office May 6, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #18, 5009 - 48 Street, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent May 13, 2015.

The applicant alleged the respondent has been repeatedly late paying rent and had rental arrears. An order was sought for payment of the rental arrears and that future rent be paid on time. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for June 24, 2015, in Yellowknife, Northwest Territories. Mr. Charles Wyman appeared representing the applicant. Mr. Adam Montague was served a notice of attendance by registered mail signed for June 9, 2015. Mr. Montague did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in Mr. Montague's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

#### *Tenancy agreement*

The residential tenancy agreement entered into evidence establishes an agreement between the parties for the rental premises known as #18, 5009 - 48 Street, in Yellowknife, Northwest Territories. The tenancy commenced February 1, 2014. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

#### *Rental arrears*

The statement and tenant aged detail entered into evidence represent the landlord's accounting of monthly rents and payments received against the respondent's rent account. I am satisfied the tenant aged detail accurately represents the status of the respondent's rent account.

Section 4 of the tenancy agreement specifies the monthly rent of \$1,200 is due and payable the first day of every month. While the tenant has paid his rent in full before the end of each month, the tenant aged detail reflects a repeated pattern of failing to pay the monthly rent when it is due throughout the tenancy. I find the respondent has failed to comply with his obligation to pay his rent on time.

At the time of making this application, the respondent had failed to pay his rent for May 2015. I note he paid the rent the day after being served with the application to a rental officer. Mr. Wyman confirmed at hearing the respondent no longer carries rental arrears; June was paid on time. He did reiterate the applicant's request for an order to pay future rent on time, which I am satisfied is appropriate.

*Order*

An order will issue requiring Mr. Adam Montague to pay his rent on time in the future.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Statement dated May 5, 2015

Exhibit 2: Tenant aged detail as at July 2, 2015

Exhibit 3: Residential tenancy agreement signed January 3, 2014