

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

TERRANCE SHOTT

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 \$2,025.00 (two thousand twenty-five dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.
3. Pursuant to section 43(3)(a) of the *Residential Tenancies Act*, the respondent must comply with his obligation not to disturb the landlord's or other tenants' possession or enjoyment of the rental premises or residential complex.

DATED at the City of Yellowknife in the Northwest Territories this 4th day of August 2015.

Adelle Guigon
Deputy Rental Officer

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BETWEEN:

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-and-

TERRANCE SHOTT

Respondent/Tenant

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>	Charles Wyman, representing the applicant
<u>Date of Decision:</u>	June 24, 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 Terrance Shott as the respondent/tenant was filed by the Rental Office May 20, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #20, 5009 - 48 Street, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent May 20, 2015.

The applicant alleged the respondent had accumulated rental arrears and caused disturbances at the rental premises and residential complex. An order was sought for 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. Mr. Charles Wyman appeared representing the applicant. Mr. Terrance Shott was sent a notice of attendance by registered mail deemed served June 5, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Shott 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.

Tenancy agreement

Mr. Wyman testified and provided evidence that Mr. Shott had entered into a tenancy agreement for the rental premises known as #20, 5009 - 48 Street, in Yellowknife, Northwest Territories, commencing December 6, 2013. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

Mr. Wyman testified and provided evidence that Mr. Shott has been repeatedly late paying rent and has accumulated rental arrears, consisting of half the rent for May 2015 and all the rent for June 2015. Mr. Wyman provided a tenant aged detail reflecting the landlord's accounting of monthly rent 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. I find the respondent has repeatedly failed to pay his rent on time and has accumulated rental arrears in the amount of \$2,025.

Disturbances

Mr. Wyman testified to direct knowledge of disturbances caused by Mr. Shott consisting of parties occurring on an irregular basis throughout the tenancy. He testified that the parties usually occur over a long weekend. Mr. Wyman received complaints from other tenants, and occasionally municipal enforcement officers notify him of complaints they have received. In his investigations of the complaints he has personally observed the parties occurring in Mr. Shott's rental premises and the resulting disturbances. The RCMP have been called to remove persons attending the parties from the residential complex. Mr. Wyman has given Mr. Shott three verbal warnings, each of which seem to be complied with until the next long weekend. I am satisfied disturbances have occurred in the residential complex coming from the respondent's rental premises and I find the respondent responsible for disturbing the possession and enjoyment of the residential complex for other tenants and the landlord.

Termination of the tenancy agreement and eviction

Mr. Wyman withdrew the applicant's request for termination of the tenancy agreement and eviction, reserving his right to re-apply should matters not resolve themselves.

Order

An order will issue requiring Mr. Terrance Shott to pay rental arrears in the amount of \$2,025; to pay his rent on time in the future; and to comply with his obligation not to disturb the landlord's or other tenants' possession and enjoyment of the rental premises and residential complex.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Customer aged detail as at May 22, 2015

Exhibit 2: CIBC returned items report dated January 21, 2014

Exhibit 3: Tenant aged detail as at June 24, 2015

Exhibit 4: Residential tenancy agreement signed December 6, 2013