

IN THE MATTER between **Yellowknife Dairies Ltd. O/A YKD Property Management**, Applicant, and **Valerie Chocolate**, 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 -

**VALERIE CHOCOLATE**

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 \$1,420.00 (one thousand four hundred twenty dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her 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

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Applicant/Landlord

-and-

**VALERIE CHOCOLATE**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>July 22, 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>July 22, 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 Valerie Chocolate as the respondent/tenant was filed by the Rental Office June 4, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #1, 488 Range Lake Road in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondent by email deemed received June 7, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondent had failed to pay the full amount of rent when due 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 July 22, 2015, in Yellowknife, Northwest Territories. Mr. Charles Wyman appeared representing the applicant. Ms. Valerie Chocolate was served a notice of attendance by registered mail signed for July 6, 2015. Ms. Chocolate did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act*, (the Act).

#### *Preliminary matters*

The application to a rental officer identifies the respondent/tenant as “Valeire” Chocolate. The written tenancy agreement identifies the tenant as “Valerie” Chocolate. Mr. Wyman confirmed at hearing the application contained a typographical error and that the tenant’s name should be reflected as Valerie Chocolate. I am satisfied this is the case, and in anticipation of this being true all notices from the Rental Office were directed to Valerie Chocolate prior to this hearing. The style of cause was amended and throughout this order will reflect Yellowknife Dairies Ltd. O/A YKD Property Management v. Valerie Chocolate.

*Tenancy agreement*

The residential tenancy agreement entered into evidence establishes a tenancy agreement between the parties for the rental premises known as #1, 488 Range Lake Road, in Yellowknife, Northwest Territories. The tenancy commenced January 1, 2015. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

*Rental arrears*

The statement and aged overdue receivables detail entered into evidence reflect monthly rents and payments received between April 1 and July 21, 2015. The detail indicates as of June 3, 2015, that the rent for April 2015 was partially paid and that May and June 2015 had not been paid. The statement updates the detail and indicates that by June 18, 2015, the rents for April and May had been paid in full, the rent for June was not paid in full until June 29, 2015, and the rent for July remained outstanding as of July 21, 2015. I am satisfied the detail and statement substantiate the applicant's claim that the respondent has been repeatedly late paying her rent and the statement accurately reflects the current status of the respondent's rent account.

Section 4 of the tenancy agreement specifies the rent of \$1,420 is due and payable on the first day of every month. I find the respondent has failed to comply with her obligation to pay her rent on time and has rental arrears in the amount of \$1,420.

*Order*

An order will issue requiring Ms. Valerie Chocolate to pay rental arrears in the amount of \$1,420 and to pay her rent on time in the future.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Aged overdue receivables detail as at June 3, 2015

Exhibit 2: Statement dated July 21, 2015

Exhibit 3: Residential tenancy agreement signed December 31, 2014