

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

FRANCIS CHONG

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.

Adelle Guigon
Deputy Rental Officer

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

FRANCIS CHONG

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 22, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Charles Wyman, representing the applicant Francis Chong, respondent Malou Chong, for the respondent
<u>Date of Decision:</u>	July 22, 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 Francis Chong 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 4908C - 45 Street 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 repeatedly failed to pay rent on time 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. Mr. Francis Chong appeared as respondent with Ms. Malou Chong.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a tenancy between the parties for the rental premises known as 4908C - 45 Street in Yellowknife, Northwest Territories. The respondent did not dispute the validity of the tenancy agreement. I am satisfied there is a valid tenancy agreement between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The tenant aged detail entered into evidence represents the landlord's accounting of monthly rents and payments received against the respondent's rent account. The respondent did not dispute the accounting reflected in the detail, but did dispute the dates the payments were recorded as received. The respondent testified that in every instance they have receipts proving

payment was made earlier than that reflected in the detail. Mr. Wyman acknowledged the dates of payments in the detail are the dates the payments were deposited to the bank account and not necessarily the dates the landlord received the payments from the tenant. The parties agreed that all rents were paid within the first seven days of each month, and usually were paid within the first three days of the month. The parties agreed there currently are no outstanding rents.

Section 4 of the tenancy agreement specifies the monthly rent of \$1,450 is to be paid on the first day of every month. I am satisfied based on the evidence and testimony presented that, although the respondent has not been significantly late paying his monthly rent, he has been repeatedly late paying his monthly rent. I find the respondent has failed to comply with his obligation to pay his rent on time.

Order

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

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: Tenant aged detail as at June 4, 2015

Exhibit 4: Residential tenancy agreement signed July 9, 2013