

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

**MICHAEL DWYER**

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

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BETWEEN:

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Applicant/Landlord

-and-

**MICHAEL DWYER**

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 Michael Dwyer as the respondent/tenant was filed by the Rental Office June 4, 2015. The application was made regarding a residential tenancy agreement between the parties for the rental premises known as #13, 486 Range Lake Road, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent June 6, 2015.

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 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. Michael Dwyer was served a notice of attendance by registered mail deemed served July 7, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Dwyer 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*

The residential tenancy agreement entered into evidence establishes a tenancy agreement between the parties for the rental premises known as #13, 486 Range Lake Road, in Yellowknife, Northwest Territories. The tenancy commenced November 1, 2014. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

#### *Rental arrears*

The aged overdue receivables detail and statement entered into evidence substantiate the applicant's claim the respondent has been late paying his rent on time. Mr. Wyman confirmed at hearing that since the filing of the application the respondent has resolved his rent account and currently has no rental arrears. I am satisfied the statement accurately reflects the current status of the respondent's rent account.

Section 4 of the tenancy agreement specifies the rent of \$2,100 is due and payable on the first day of every month. I find the respondent has failed to comply with his obligation to pay the full amount of rent when due.

*Order*

An order will issue requiring Mr. Michael Dwyer to pay his 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 October 21, 2014