

IN THE MATTER between **Northern Property Limited Partnership**, Applicant, and
Anne Biscaye, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

- and -

ANNE BISCAYE

Respondent/Tenant

ORDER and EVICTION 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 \$2,105.73 (two thousand one hundred five dollars seventy-three cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.
3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate October 31, 2015, and the respondent must vacate the rental premises on or before that date, unless the rental arrears are paid in full.

4. Pursuant to sections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, if the tenancy agreement between the parties is terminated in accordance with paragraph 3, the respondent will be evicted from the rental premises known as #302, 5123 - 53 Street, in Yellowknife, Northwest Territories, on November 1, 2015.

DATED at the City of Yellowknife in the Northwest Territories this 9th day of October 2015.

Adelle Guigon
Deputy Rental Officer

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-and-

ANNE BISCAYE

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 7, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Aya Burshan, representing the applicant
<u>Date of Decision:</u>	October 7, 2015

REASONS FOR DECISION

An application to a rental officer made by Northern Property Limited Partnership as the applicant/landlord against Anne Biscaye as the respondent/tenant was filed by the Rental Office August 26, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #302, 5123 - 53 Street, in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondent by email deemed received August 30, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment of 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 October 7, 2015, in Yellowknife, Northwest Territories. Ms. Aya Burshan appeared representing the applicant. Ms. Anne Biscaye was sent notice of the hearing by registered mail deemed served October 2, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act), and by email deemed received October 5, 2015, pursuant to section 4(4) of the Regulations. Ms. Biscaye was not present, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Tenancy agreement

The written lease agreement entered into evidence established a residential tenancy agreement between the parties for the rental premises known as #302, 5123 - 53 Street, in Yellowknife, Northwest Territories. The tenancy commenced March 1, 2010. The current monthly rent is \$1,380. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The resident ledger entered into evidence represents the landlord's accounting of monthly rent, late payment penalties, and payments received against the respondent's rent account. I am satisfied the ledger accurately reflects the current status of the respondent's rent account.

The ledger corroborates Ms. Burshan's testimony that the tenant has been repeatedly late paying the full amount of her rent when due throughout the tenancy and has accumulated rental arrears in the amount of \$2,105.73. The last credit to the tenant's rent account was recorded on May 29, 2015. The last payment for rent was made September 14, 2015, in the amount of \$1,380. The tenant has been notified by the landlord of the arrears and consequences for failing to resolve them. Additional recent attempts to communicate with the tenant have been unsuccessful.

I find the respondent has repeatedly failed to pay the full amount of rent when due and has accumulated rental arrears in the amount of \$2,105.73

Termination of the tenancy agreement and eviction

I am satisfied based on the repeated failure of the respondent to pay the full amount of rent when due, the amount of accumulated rental arrears, and the lack of effort to resolve the matter that termination of the tenancy agreement and eviction are justified. Ms. Burshan suggested the landlord would not be opposed to continuing the tenancy in the event that the rental arrears are paid in full by the end of the month. I am satisfied imposing conditional termination and eviction orders appropriate under the circumstances.

Orders

An order will issue requiring Ms. Anne Biscaye to pay rental arrears in the amount of \$2,105.73; to pay her rent on time in the future; terminating her tenancy on October 31, 2015, unless the rental arrears are paid in full; and evicting her November 1, 2015, if the termination order comes into effect.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated August 24, 2015

Exhibit 2: Three notices sent to respondent dated from June 3, 2014, to August 10, 2015

Exhibit 3: Lease agreement made March 5, 2010

Exhibit 4: Resident ledger dated October 6, 2015