

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Victoria Rabesca and Marie Rabesca**, Respondents;

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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

VICTORIA RABESCA and MARIE RABESCA

Respondents/Tenants

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$2,850.00 (two thousand eight hundred fifty dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their 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 respondents 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 October 31, 2015, in accordance with paragraph 3, the respondents will be evicted from the rental premises known as #310, 492 Range Lake Road, 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

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Victoria Rabesca and Marie Rabesca**, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

VICTORIA RABESCA and MARIE RABESCA

Respondents/Tenants

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 Victoria Rabesca, respondent
<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 Victoria Rabesca and Marie Rabesca as the respondents/tenants was filed by the Rental Office August 26, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #310, 492 Range Lake Road, in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondents by email deemed received August 30, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had accumulated rental arrears and requested an order for payment of the arrears, termination of the tenancy agreement, and eviction. Evidence submitted is listed in Appendix A attached to the order.

A hearing was scheduled for October 7, 2015, in Yellowknife, Northwest Territories. Ms. Aya Burshan appeared representing the applicant. Ms. Victoria Rabesca appeared as respondent. Ms. Marie Rabesca was served with 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. Marie Rabesca did not appear at hearing. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Preliminary matters

The application identified the landlord as Northern Property Limited Partnership. The written tenancy agreement identified the landlord as NPR Limited Partnership. Ms. Burshan confirmed that both are of the same company and agreed to the amendment of the application to coincide with the written tenancy agreement. The application and style of cause are amended and will reflect the landlord as NPR Limited Partnership.

Tenancy agreement

The parties agreed and evidence was presented establishing a tenancy between them for the rental premises known as #310, 492 Range Lake Road, in Yellowknife, Northwest Territories. The tenancy commenced November 1, 2014, and the monthly rent is \$1,050. 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 respondents' rent account. Ms. Rabesca did not dispute the accuracy of the accounting. I am satisfied that the resident ledger accurately reflects the current status of the respondents' rent account.

The ledger corroborates the landlord's allegations that the respondents have been repeatedly late paying the full amount of rent when due and have accumulated rental arrears in the amount of \$2,850. The last zero balance on the account was recorded on May 19, 2015. Since that date there have been four payments made against the account: three of them have been for \$500 each, one was for \$1,050.

Ms. Rabesca acknowledged the allegations and accepted responsibility for failing to comply with her obligations. Ms. Rabesca explained she had not been working for several months and only just started a full-time job two months ago. She has received some help from friends and family to try and pay her bills, including her rent, and expects to be able to have her rental arrears resolved in full by the end of October.

I find the respondents have repeatedly failed to comply with their obligation to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$2,850.

Termination of the tenancy agreement and eviction

I am satisfied the respondents' repeated failure to pay their rent on time and the amount of rental arrears accumulated justify termination of the tenancy agreement and eviction. In consideration of Ms. Rabesca's assertion she can have the arrears resolved by the end of the month, I am of the opinion that conditional termination and eviction orders are appropriate.

Orders

An order will issue requiring Ms. Victoria Rabesca and Ms. Marie Rabesca to pay rental arrears in the amount of \$2,850; to pay their future rent on time; terminating their tenancy agreement October 31, 2015, unless the rental arrears are paid in full; and if the tenancy terminates, evicting them from the rental premises November 1, 2015.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated August 24, 2015

Exhibit 2: Nine notices to the respondents dated from November 12, 2014, to July 10, 2015

Exhibit 3: Tenancy agreement dated October 16, 2014

Exhibit 4: Resident ledger dated October 6, 2015

Exhibit 5: Emails between Victoria Rabesca and Aya Burshan dated from September 18 to 25, 2015