

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Merlanda Chille**, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

MERLANDA CHILLE

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 \$1,969.00 (one thousand nine hundred sixty-nine dollars).
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 March 31, 2016, and the respondent must vacate the rental premises on or before that date, unless the monthly rents for January, February, and March 2016 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 17th day of December 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Merlanda Chille**, 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-

MERLANDA CHILLE

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 9, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Aya Burshan, representing the applicant Merlanda Chille, respondent
<u>Date of Decision:</u>	December 9, 2015

REASONS FOR DECISION

An application to a rental officer made by NPR Limited Partnership as the applicant/landlord against Merlanda Chille as the respondent/tenant was filed by the Rental Office October 26, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as J217, 900 Lanky Court, in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondent by email deemed received November 5, 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 the arrears, termination of the tenancy agreement, and eviction. Evidence presented is listed in Appendix A attached to this order.

A hearing was scheduled for December 9, 2015, in Yellowknife, Northwest Territories. Ms. Aya Burshan appeared representing the applicant. Ms. Merlanda Chille appeared as respondent by telephone.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for the rental premises identified as J217, 900 Lanky Court, in Yellowknife, Northwest Territories. The tenancy commenced March 1, 2015. The monthly rent was set at \$1,745. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rent, late payment penalties, and payments received against the respondent's rent account. The respondent did not dispute the accuracy of the landlord's accounting. I am satisfied the late payment penalties have been calculated in accordance with the Regulations and that the resident ledgers accurately reflect the current status of the respondent's rent account.

The resident ledgers support the landlord's claim that the respondent has been repeatedly late paying the rent since May 2015. The last zero balance on the respondent's account was recorded July 10, 2015. The last payment received on the account was recorded November 24, 2015, in the amount of \$1,700. The current balance of arrears are \$1,969.

The respondent acknowledged and accepted responsibility for the rental arrears and her failure to pay her rent on time. She explained that she had been laid off from her camp employment and only just been re-hired; she is currently on her first rotation. During her period of unemployment, she explained, she found it difficult to pay all her bills including her rent. She also found it difficult while she is working to be able to pay her rent on time as she is on a two-week rotation at a camp. Ms. Burshan confirmed with the respondent that options other than in-person payments are available to tenants, including electronic funds transfers which can be set up to automatically withdraw the rent money from a tenant's bank account each month. The respondent was receptive to initiating a monthly EFT to ensure her rent gets paid on time every month.

I am satisfied the respondent has been repeatedly late paying her rent when due and I find that she has accumulated rental arrears in the amount of \$1,969.

Termination of the tenancy agreement and eviction

In light of the amount of rental arrears and the repeated pattern of failing to pay the rent when due, I am satisfied that termination of the tenancy agreement is justified. The parties agreed at hearing that it might be more appropriate in this instance to impose a termination date conditional on whether or not the respondent can successfully pay her rent on time each month. I am satisfied a conditional termination order of this nature is reasonable under the circumstances. I am not satisfied an eviction order is necessary at this time.

Orders

An order will issue requiring Ms. Merlanda Chille to pay rental arrears in the amount of \$1,969; to pay her rent on time in the future; and terminating her tenancy agreement on March 31, 2016, unless the monthly rents for January, February, and March 2016, are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated October 20, 2015

Exhibit 2: Applicant's notices to respondent dated: October 8, 2015; September 11, 2015;
August 10, 2015;

Exhibit 3: Tenancy agreement signed in March 2015

Exhibit 4: Resident ledger dated December 9, 2015