

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Lester Beaulieu**, 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 -

LESTER BEAULIEU

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 \$2,555.00 (two thousand five hundred fifty-five dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate December 31, 2015, and the respondent must vacate the rental premises on or before that date.

3. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondent will be evicted from the rental premises known as #16, 5023 - 48 Street, in Yellowknife, Northwest Territories, on January 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 11th day of December 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Lester Beaulieu**,
Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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BETWEEN:

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LESTER BEAULIEU

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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
<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 Lester Beaulieu 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 #16, 5023 - 48 Street, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent November 2, 2015.

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 submitted 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. Mr. Lester Beaulieu was sent a notice of hearing by registered mail deemed served November 25, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). A voicemail was also left for Mr. Beaulieu on December 4, 2015 regarding the scheduled hearing. Mr. Beaulieu did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in Mr. Beaulieu's absence pursuant to section 80(2) of the Act.

Previous rental officer orders

The respondent has been the subject of five previous rental officer orders under the same landlord; the last four have been regarding the current tenancy agreement for the rental premises at #16, 5023 - 48 Street, in Yellowknife, Northwest Territories. All four of the orders were regarding accumulated rental arrears, and the first three of those four orders included conditional termination orders dependent on the payment of rental arrears in full. The most recent of the four orders, file #10-14493, required payment of rental arrears accumulated to January 28, 2015, in the amount of \$2,296, terminated the tenancy agreement on January 31, 2015, evicted the respondent from the rental premises on February 15, 2015, and ordered compensation for use and occupation of the rental premises at a rate of \$46.19 for each day the respondent remained in the rental premises after January 31, 2015.

Ms. Burshan acknowledged that the termination and eviction orders were clearly not enforced by the landlord and could offer no explanation or rationale for why not. She conceded that it must be concluded that the landlord and tenant agreed to reinstate the tenancy after January 31, 2015.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rent, late payment penalties, and payments made against the respondent's rent account. I am satisfied the calculation of late payment penalties has been made in accordance with the *Residential Tenancies Regulations* (the Regulations). I am satisfied the resident ledger accurately reflects the current status of the respondent's rent account. 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 \$2,555.

Termination of the tenancy agreement and eviction

The respondent's pattern of failing to pay his rent when due throughout his tenancy has been previously established in rental officer orders and is supported currently in the resident ledgers provided under this application. The respondent has been unsuccessful in stabilizing his finances to ensure compliance with his obligations under his residential tenancy agreement. Additionally, Ms. Burshan testified that the respondent has made no efforts to contact or communicate with the landlord regarding this matter, and historical promises to pay have been unfulfilled. Under the circumstances and in light of the repeated pattern of behaviour established, I am satisfied that termination of the tenancy agreement and eviction are justified.

Order

An order will issue requiring Mr. Lester Beaulieu to pay rental arrears in the amount of \$2,555; terminating his tenancy agreement on December 31, 2015; and evicting him from the rental premises on January 1, 2016.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease agreement made August 30, 2011

Exhibit 2: Resident ledger dated October 21, 2015

Exhibit 3: Applicant's notices to respondent dated: October 8, 2015; September 11, 2015; July 10, 2015; June 10, 2015; May 8, 2015; April 10, 2015; March 9, 2015

Exhibit 4: Resident ledger dated December 9, 2015