

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Morgan Hagen and Mavis Jacobson**, 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 -

MORGAN HAGEN and MAVIS JACOBSON

Respondents/Tenants

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 \$2,904.00 (two thousand nine hundred four 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 respondents must vacate the rental premises on or before that date.

3. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondents will be evicted from the rental premises known as #315, 490 Range Lake Road, in Yellowknife, Northwest Territories, on January 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 14th day of December 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **Morgan Hagen and Mavis Jacobson**, 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-

MORGAN HAGEN and MAVIS JACOBSON

Respondents/Tenants

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 Northern Property Limited Partnership as the applicant/landlord against Morgan Hagen and Mavis Jacobson as the respondents/tenants was filed by the Rental Office November 10, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #315, 490 Range Lake Road, in Yellowknife, Northwest Territories. The applicant served a copy of the filed application on the respondents by email deemed received November 15, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had failed to comply with rental officer order number 10-14877 and had accumulated additional rental arrears. An order was sought for payment of the additionally accumulated 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 December 9, 2015, in Yellowknife, Northwest Territories. Ms. Aya Burshan appeared representing the applicant. Mr. Morgan Hagen and Ms. Mavis Jacobson were served with notices of the hearing by email deemed received November 21, 2015, pursuant to section 4(4) of the Regulations. Neither Mr. Hagen nor Ms. Jacobson appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer identified the landlord as Northern Property Limited Partnership. Rental officer order number 10-14877 indicates that it was previously established the written tenancy agreement between the parties identifies the landlord as NPR Limited Partnership. Ms. Burshan agreed at this hearing that the application and style of cause should correspond with the written tenancy agreement as previously established. The application and style of cause going forward will identify the landlord as NPR Limited Partnership.

Tenancy agreement

A written residential tenancy agreement between the parties was previously established at a rental officer hearing held October 7, 2015, regarding file number 10-14877. The agreement was made in accordance with the Act for the rental premises known as #315, 490 Range Lake Road, in Yellowknife, Northwest Territories, commencing July 1, 2013, with a monthly rent of \$1,415.

Rental arrears

The resident ledgers entered into evidence represent the landlord's accounting of monthly rent, late payment penalties, and payments made against the respondents' rent account. I am satisfied the calculation of late payment penalties has been made in accordance with the Regulations. I am satisfied that the resident ledgers accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the full amount of rent when due and have accumulated rental arrears to date of \$8,353.

Non-compliance with rental officer order

On October 7, 2015, after promises made at hearing by Ms. Jacobson, rental officer order number 10-14877 was issued: requiring the respondents to pay rental arrears in the amount of \$5,449; requiring the respondents to pay their future rent on time; terminating their tenancy agreement on January 31, 2016, unless the rental arrears were paid in full and the monthly rents for November, December, and January were paid on time.

With reference to the resident ledgers, no payments have been received against the respondents' account since September 2, 2015. Additional rental arrears have accumulated since the last rental officer hearing in the amount of \$2,904. The previous rental officer order remains enforceable and, as such, any order issued today for payment of rental arrears will account for the additionally accrued amount.

Ms. Burshan testified that efforts to communicate with the respondents since the last rental officer hearing have been largely unsuccessful, and that in those instances when it was successful promises were made to pay as well as to move. Neither of those promises have been met to date. Ms. Burshan believes the respondents are avoiding the landlord. I find the respondents have failed to comply with rental officer order number 10-14877.

Termination of the tenancy agreement and eviction

Rental officer order number 10-14877 included a conditional termination order for January 31, 2016. In light of the immediate failure to comply with the terms of that rental officer order, the continued failure to make any payments at all towards the rent account, and the substantial amount of rental arrears accumulated to date, I am satisfied the landlord's request to unconditionally terminate the tenancy earlier than the previous rental officer order set out and to evict the respondents is reasonable and justified.

Orders

An order will issue requiring Mr. Morgan Hagen and Ms. Mavis Jacobson to pay rental arrears in the amount of \$2,904; terminating their tenancy agreement on December 31, 2015; and evicting them from the rental premises on January 1, 2016.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated November 3, 2015

Exhibit 2: Resident ledger dated December 9, 2015