

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **David Akkak and Theresinnaq Porter**, 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 -

DAVID AKKAK and THERESINNAQ PORTER

Respondents/Tenants

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 \$927.00 (nine hundred twenty-seven dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 11th day of January 2016.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NPR Limited Partnership**, Applicant, and **David Akkak and Theresinnaq Porter**, 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,

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

DAVID AKKAK and THERESINNAQ PORTER

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 David Akkak, respondent Theresinnaq Porter, 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 David Akkak and Theresinnaq Porter 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 #309, 5465 - 52 Street, 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 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. David Akkak and Ms. Theresinnaq Porter appeared as respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a tenancy agreement between them for the rental premises known as #309, 5465 - 52 Street, in Yellowknife, Northwest Territories. The tenancy commenced when the tenants took occupancy of the premises on July 17, 2015. The monthly rent was set at \$1,565 due the first of each month. 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 ledger entered into evidence reflects the monthly rent, late payment penalties, and payments received against the respondents' rent account. The respondents did not dispute the accuracy of the accounting in the resident ledger. I am satisfied the resident ledger accurately reflects the current status of the respondents' rent account.

The resident ledger corroborates the applicant's allegation that the respondents have been repeatedly late paying the full amount of rent when due since September 2015. The respondents acknowledged and accepted responsibility for their failure to comply with their obligation respecting payment of rent, citing a misunderstanding on their part of the strict requirement to comply in market housing when compared with subsidized public housing practices.

I am satisfied the respondents have been repeatedly late paying the full amount of rent when due and I find the respondents have accumulated rental arrears in the amount of \$927.

Termination of the tenancy agreement and eviction

In light of the repeated failure to pay the full amount of rent when due essentially since the commencement of the tenancy, the applicant was unwilling at this point to withdraw their request to terminate the tenancy and evict the tenants. However, in consideration of the respondents circumstances, their acknowledgement of the need to plan ahead to ensure the rent gets paid in full and on time, and the respondents' positive intentions to arrange for monthly electronic funds transfers in this regard, the applicant's representative suggested adjourning the hearing with regard to determining whether or not termination of the tenancy agreement and eviction were justified to March 31, 2016. Ms. Burshan suggested that if the respondents were successful in paying the rental arrears and their monthly rent on time then the landlord could withdraw their request for continuation of the hearing for termination and eviction; if the respondents were not so successful, then the hearing could proceed and the Rental Officer could consider whether or not termination and eviction were justified at that time.

The respondents were agreeable to this proposal and appreciated the opportunity to resolve the issues without losing their housing. I found this suggestion reasonable and agreed to adjourn the hearing to 10:30 a.m. on March 31, 2016, to speak to the application requesting termination of the tenancy agreement and eviction. If no communication is received withdrawing the request, an email will be forwarded by me to each of the parties two weeks before the adjournment date to confirm the date, time, and place of the continuation hearing.

Order

An order will issue requiring Mr. David Akkak and Ms. Theresinnaq Porter to pay rental arrears in the amount of \$927 and to pay their rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Resident ledger dated November 5, 2015

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

Exhibit 3: Tenancy agreement commencing August 1, 2015

Exhibit 4: Resident ledger dated December 9, 2015