

IN THE MATTER between **Wade Friesen**, Applicant, and **Norbert Watchepese and Marlene Michel**, 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**, Rental Officer, regarding a rental premises located within the **city of Yellowknife in the Northwest Territories**.

BETWEEN:

**WADE FRIESEN**

Applicant/Landlord

- and -

**NORBERT WATCHEPESE and MARLENE MICHEL**

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 \$1,650.00 (one thousand six hundred fifty dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate June 30, 2016, 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 613 Anson Drive in Yellowknife, Northwest Territories, on July 15, 2016.

4. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondents must compensate the applicant for use and occupation of the rental premises at a rate of \$50.96 for each day they remain in the rental premises after June 30, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 29th day of June 2016.

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Adelle Guigon  
Rental Officer

IN THE MATTER between **Wade Friesen**, Applicant, and **Norbert Watchepese and Marlene Michel**, 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:

**WADE FRIESEN**

Applicant/Landlord

-and-

**NORBERT WATCHEPESE and MARLENE MICHEL**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>June 28, 2016</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Wade Friesen, applicant</b>
<b><u>Date of Decision:</u></b>	<b>June 28, 2016</b>

**REASONS FOR DECISION**

An application to a rental officer made by Wade Friesen as the applicant/landlord against Norbert Watchepese and Marlene Michel as the respondents/tenants was filed by the Rental Office May 31, 2016. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondents May 31, 2106.

The applicant alleged the respondents had failed to comply with a rental officer order and had accumulated additional rental arrears. An order was sought for payment of the additional rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for June 28, 2016, in Yellowknife, Northwest Territories. Mr. Wade Friesen appeared as applicant. Mr. Norbert Watchepese and Ms. Marlene Michel were served with notices of the hearing by registered mail deemed served June 15, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) and again by email deemed received June 23, 2016, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations). Neither Mr. Watchepese nor Ms. Michel appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

*Tenancy agreement*

A verbal tenancy agreement between the parties commencing approximately nine years ago was established at the hearing regarding Rental Officer File Number 10-15045. I am satisfied a valid verbal tenancy agreement is in place between the parties in accordance with the Act.

*Previous order*

Rental Officer Order Number 10-15045 dated March 8, 2016, was issued from a hearing held March 2, 2016. The order directed the respondents to pay rental arrears in the amount of \$10,865, to pay their future rent on time, and terminating the tenancy agreement September 30, 2016, unless the rental arrears were paid in full and the monthly rents were paid on time.

*Rental arrears*

The applicant entered into evidence a rent ledger representing the landlord's accounting of monthly rents and payments made against the respondents' rent account. I am satisfied the rent ledger accurately reflects the current status of the respondents' rent account.

Since Rental Officer Order Number 10-15045 was issued, the respondents have still not paid the rent in full for March, April, and June 2016. Two payments have been received against the account: \$1,000 in April and \$2,000 in May. The monthly rent is \$1,550.

I am satisfied the respondents have failed to comply with their obligation to pay their monthly rent on time and have accumulated rental arrears in the total amount of \$12,515 as of this hearing date. By deducting the amount of rental arrears ordered in paragraph 1 of Rental Officer Order Number 10-15045 from the current rental arrears balance of \$12,515, I find the respondents have accumulated additional rental arrears in the amount of \$1,650. Additionally, I find the respondents have failed to comply with a rental officer order.

*Termination of the tenancy agreement and eviction*

In light of the substantial amount of rental arrears and the respondents' repeated failure to comply with their obligations, I am satisfied termination of the tenancy agreement and eviction are justified.

*Orders*

An order will issue requiring the respondents to pay rental arrears in the amount of \$1,650, terminating their tenancy agreement June 30, 2016, evicting them from the rental premises July 15, 2016, and requiring the respondents to compensate the applicant for use and occupation of the rental premises at a rate of \$50.96 for each day they remain in the rental premises after June 30, 2016.

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Adelle Guigon  
Rental Officer