

Review of the *Residential Tenancies Act* What We Heard Report

Government of
Northwest Territories

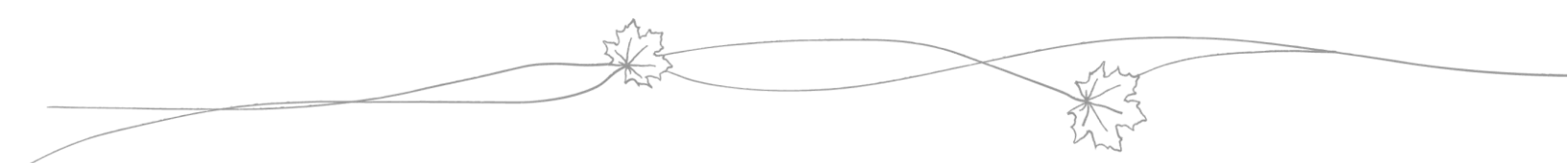




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Purpose of the Review of the Residential Tenancies Act

The Department of Justice (the “Department”) committed to undertake a review of the *Residential Tenancies Act* (the “Act”) during the 20th Assembly in response to annual reports of the Rental Officer and the recurring issue of illegal activities in public housing raised through various channels. The Act governs the relationship between residential landlords and tenants, defining and striking a balance between the rights and obligations of each. The review will determine what works effectively in the Act and identify potential areas for improvement or updates to be undertaken in a subsequent project.

What we heard from Members of the Legislative Assembly

The Legislative Assembly feedback was primarily about, the lack of rental cap to protect tenants, the need to review the eviction process, and concerns about the environmental health and public safety in tenant units.

A motion was tabled on May 29, 2023, recommending that the Government of the Northwest Territories (GNWT) update the Act to include maximum allowable rent adjustments which are no more than the five-year average of the Canada Consumer Price Index (CPI) and to include in the Act the ability for private landlords to apply to the Rental Officer for increases to rent above the five-year average of the CPI.

The GNWT’s responses to some of the safety concerns have been addressed in the Safer Communities and Neighbourhoods legislation (SCAN) and the mechanisms in this legislation to assist with enforcing regulations around the investigation of complaints.

What we heard from the Media

The media reported on the discussions in the Legislative Assembly. In particular, a focus on the physical state of residences and damages in tenant’s units as well as the crime and vandalism that takes place in many NWT buildings. The media also reported on evictions, tenants struggling with rent hikes, the development of a tenant's association, web payment fees and the Rental Officer report.



What we heard from other Jurisdictions

The Department conducted a jurisdictional review and inquired about issues and challenges with residential tenancies acts across Canada. The following five provinces and territories provided responses:

1. Prince Edward Island
2. British Columbia
3. Alberta
4. Saskatchewan
5. Yukon

Common issues amongst the jurisdictions were as follows:

1. Clarity and Scope of the Application of Residential Tenancy Legislation

Jurisdictions struggle with clearly defining what types of housing are covered or exempt from residential tenancy legislation.

2. Security Deposits and Financial Protections

Misuse or ambiguity around security deposits, pretenancy payments, and unclaimed funds.

3. Notice Requirements and Good Faith Terminations

Tenants are often displaced through improper notice or bad faith terminations, with limited remedies.

4. Assignment, Subletting, and Tenant Mobility

Tenants face financial and logistical harm when landlords unreasonably refuse assignments or sublets.

5. Enforcement, Remedies, and Administrative Powers

Weak enforcement mechanisms limit the deterrent effect of rental legislation.

6. Urgency, Safety, and Expedited Evictions

Balancing tenant procedural rights with urgent safety risks.



7. Rent Regulation and Affordability Pressures

There are political and public pressures to address rapid rent increases, even where full rent control is controversial.

8. Information, Education, and Standardization

The tenants and landlords often misunderstand rights and obligations set out in the acts.

What we heard from Annual reports on the Activities of the Rental Officer

Rental Officer reports for fiscal years 2019–20 to 2024–25 were reviewed with the most recent report filed on June 13, 2025.

Consistent issues were identified across reporting periods and are summarized below.

1. Authority to rescind Previous Orders

The Act should be amended to allow the Rental Officer to rescind previously issued monetary orders for the purpose of consolidating those orders, similar to the authority exercised by the Supreme Court.

2. Sections 58 and 59 – Method of Termination of Tenancy

Sections 58 and 59 of the Act should be amended to allow landlords to terminate a tenancy by providing advance written notice to the tenant, in accordance with the timelines set out in the Act, where the specified conditions are met.¹

3. Section 51(4) Termination of Subsidized Public Housing Agreements

The Rental Officer was of the opinion that subsection 51(4) is unnecessary, redundant and excessive as it provides an excessive amount of power to subsidized public

¹ Residential Tenancies Act (NWT) s. 58 Termination for landlords use or sale s.59 Termination for demolition, change of use or repair.



housing landlords and requests that consideration be given to repealing subsection 51(4) of the Act²³.

4. Remedies for Improper Termination

The Department should consider amending the Act to allow for remedies similar to those provided for under section 60⁴ to a tenant who suffers monetary losses when a landlord fails to provide proper notice to terminate a tenancy agreement in accordance with sections 51, 52 and 54 of the Act.⁵

5. Definition of Rent

The Department should consider amending the definition of “rent” by striking out “whether or not a separate charge is made for the services and facilities, privilege, accommodation or thing”. The Rental officer believes doing this would require the landlord who wants to recover the costs of utilities from the tenant to either charge an amount of the rent that already accounts for those costs or to prepare a written tenancy agreement that includes the additional obligation that the tenant is independently responsible for the named utilities.

6. Unlawful Distraint and Seizure

The GNWT should consider amending the Act to include remedies for breaches under sections 3 and 35.⁶

7. Section 91 Summary Offences

The GNWT should establish within the Act the ability to issue summary offence tickets within minimum voluntary fines for specified violations. There is currently no enforcement officer or established procedure to pursue charges⁷.

8. Assignment and Subletting

The Department should consider amending the Act to provide for additional remedies where a landlord unreasonably withholds consent for an assignment or sublet.

³ Residential Tenancies Act (NWT), s. 51(4) – Termination without notice.

⁴ Residential Tenancies Act (NWT), s. 60 – Remedy for improper termination

⁵ Residential Tenancies Act (NWT), s 51 Termination of Tenants fixed term agreement, s 52- Termination by tenant of periodic tenancy agreement and s 54 – notice of early termination by landlord.

⁶ Residential Tenancies Act (NWT), ss. 3 No remedy of distraint and 35 – Seizure of property of tenant

⁷ Residential Tenancies Act (NWT), s. 91 – Offences.



9. Roommates

The Rental Officer noted that, given the common practice in northern communities of tenants renting rooms to other individuals, consideration should be given to bringing certain tenant-to-tenant arrangements within the scope of the Act. This could be achieved by removing the phrase “other than a tenant occupying rental premises” from the definition of “landlord.”

10. Provision of Receipts

The GNWT should consider amending the Act to provide for either a remedy to a tenant for a landlord failing to provide receipts upon request or for the offence to be listed as punishable under subsection 91(1) of the Act.

11. Transitional Housing

A definition of transitional housing could be included in the Act, along with a specific exemption, to provide clarity for all parties.

12. Section 16 Security Deposit Interest Rate

The Department should re-evaluate how the security deposit interest rate is assessed each year to ensure that tenants receive a fair return on their deposit.

13. Section 86(1) Filing of Order

Amending sections 86(1) to allow for eviction orders to be filed for enforcement with the clerk of the Supreme Court within the 14-day appeal period.⁸

14. Residential Tenancies Regulations – Section 3 Fees

Currently under the Act there is no provision for non-sufficient payment charges. The Rental Officer recommended adding a provision under the Regulations for charge-back costs on non-sufficient fund (NSF), at the rate charged by the financial institution being used by the landlord. The Rental Officer recommended amending section 3 to remove the \$65 maximum amount.

⁸ Residential Tenancies Act (NWT), s. 86(1) – Writ of Possession.



Letter to Stakeholders

The Department conducted a review of the concerns raised by the Media, Members of the Legislative Assembly, the Rental Office recommendations and the jurisdictional review. From there, the Department gathered information and put together an issues chart which helped formulate questions that were later sent to NWT stakeholders for feedback.

The Department sent letters, containing 10 questions, requesting feedback to a list of 44 stakeholders in October and December of 2025. The intention was to solicit information from those with experience related to the current operation of the Act.

The following three stakeholders responded to the letter:

1. Hay River Housing Authority
2. Radilih Koe Housing Association
3. Norman Wells Housing Authority

The Royal Canadian Mounted Police (“RCMP”) also sent a response notifying the Department of the following:

- The RCMP have minimal direct interaction with the Act.
- There are no sections in the Act that are enforced by the RCMP.
- General disputes between landlords and tenants relative to occupancy, eviction, payment of rent, security deposits, pets, etc., are civil in nature and fall outside of the criminal investigative scope.
- RCMP Members attend calls for service related to disturbances, drug trafficking, unwanted persons, nuisance calls, etc., at rental properties.
- Attendance by the RCMP Members to keep the peace during an eviction and or tenant removal of personal effects remains ongoing.
- The RCMP, through Criminal Operations, remain engaged with NWT local housing authorities and organizations and support their information requests within the agreed upon framework relative to public safety calls for service at their rental properties.

What We Heard from the Stakeholders

This report is intended to provide a summary of the comments, suggestions and concerns that were received by the Department during the engagement. It does not include Department conclusions or recommendations, which will be incorporated as decisions around implementation are made.



The Responses section, below, includes general information on the issues that were raised, and a summary of comments received. Due to the small number of written responses received, specific responses or comments do not include identifiers.

Some responses from stakeholders were more in depth than others. For that reason, the responses will be combined so as not to provide any identifiers.

Responses

What are the three most common/important issues your office encounters in relation to the Act?

The top three responses varied from the three responding offices and were communicated as follows.

- Tenants' lack of knowledge
- Tenants' rights and responsibilities
- Rental Officer not bound by the Act
- The Act should be revised to include non tenants as valid complainants.
- Section 46 of the Act should be revised to include all properties owned and/or operated by the same landlord.
- Rent arrears
- Disturbances
- Illegal activities

Do you think the process for filing eviction orders under the Act is adequate? Why or why not?

Of the three stakeholders, one stated that the process for filing eviction orders under the Act is adequate as it provides clear and structured procedure for landlords to follow. One stakeholder was unable to respond as their office no longer files eviction orders as this has been taken over by Housing NWT. There was no answer provided for this question by the third stakeholder.

Overall, do you think the Act adequately addresses the enforcement of the orders of a rental officer?

Stakeholder responses were mixed for this question, with one stating that the Act adequately addresses the enforcement of Rental Officer orders and another saying it did not.



The first response stated the process provides legal authority and clarity but external factors such as tenant non-compliance or limited resources in smaller communities can cause delays.

This concern is echoed in the second stakeholder response, who also indicated that they believe that the RCMP should also be given the “power” to carry out evictions as they believe that this would make the process much safer and quicker as there are delays when waiting for a Sheriff to attend the community. They state that 85% of the time the RCMP accompany a Sheriff on evictions and if the RCMP could carry this out without having the Sheriff present, it would be more efficient and cost effective.

A third response was not provided for this question.

In your opinion, do you think the rules for calculating pet and security deposit amounts under the Act is fair? If not, how do you think it could be improved?

Two responses received for this question believe that the amount for pet and security deposits should be increased with one respondent stating that the cap should be double market value of the rental premises. The stakeholders indicated this is due to inflation and the cost of building material especially in remote communities and also because some tenants leave damage and rent arrears well in excess of their security deposit amounts. They stated this also leads to more Rental Officer applications, administrative burdens and financial strain for landlords who are unable to collect because the former tenant does not work or disappears.

The third respondent stated that security deposits present ongoing challenges, one being the ability to pay security deposits in installments often results in tenants missing payments. They suggested revisiting installment policies or adding clearer installment or enforcement mechanism to help improve compliance.

The lack of rent increase cap in the Northwest Territories is often discussed; what do you think are the positives and negatives for your community?

Two responses for this message felt that having no cap allowed landlords to raise rent to pay for the rising costs of living in the North.

One respondent believed that a cap would leave a greater strain on the housing market and lead to slumlord conditions as landlords would not be able to collect rent that would cover their ownership costs.

The other respondent states that a 31% rent increase was shocking for many tenants as living in a remote community already involves a high cost of living and many tenants vacated their units because they could no longer afford the increase in rent. While having no rent cap helps landlords with associated costs, they stated there is a negative impact on tenants. They suggested that a reasonable cap (no suggestion as



to what that was) would help protect tenants and that not everyone can manage a sudden increase of 30% or more.

Do you think a landlord should have to apply to a rental officer to terminate a tenancy if the landlord meets the conditions under section 58 of the Act or should they be able to give the tenant written notice?

There was one complete response received for this question indicating they believe that landlords should be required to apply to a rental officer to terminate a tenancy. The reason they provided is that they believe that the process ensures fairness and accountability and protects against the misuse of section 58 and also protects tenants from potential wrongful termination if the landlord does not fully meet the required conditions.

Another respondent believes the owner of the property should be able to do with that property as they please.

The Act requires landlords to provide tenants and former tenants, on request and free of charge, a receipt for payment of any rent, security deposit, pet security deposit, or other amount. Do you think there should be a remedy available to tenants if landlords fail to provide a receipt upon request?

Three responses were received for this question, and all three responses agree that landlords should provide receipts. Two have identified that there should be a remedy in place available to tenants if they fail to do so. Respondents were concerned that if a private landlord does not provide receipts and fail to report rental income to the Canada Revenue Agency, this could create issues for tenants who need receipts for tax purposes.

One response indicated, however, that there should be a limitation on how many receipts can be reissued.

In your opinion, does the Act provide sufficient remedies to tenants where a landlord unreasonably withholds consent for an assignment or sublet?

There were two responses received for this question, and both agree that the Act does provide sufficient remedies. One response noted that there should be clearer guidelines and stronger enforcement mechanisms to ensure that landlords do not unreasonably withhold consent for assigning sublets. While the other believes that it should be the sole decision of the landlord/property owner who they rent to.

Do you think the process for dealing with abandoned personal property under sections 64 and 65 of the Act is adequate or too onerous for landlords?



Three responses were received for this question, and the responses were all different. One respondent felt that the process is generally adequate and that there are challenges when tenants delay collecting their belongings, which sometimes requires the use of vacant units for storage. The second stated that sections 64 and 65 seem too onerous and the third stated that the landlord should not be responsible to hold any personal belongings that belong to the tenant.⁹

In your experience, are landlords and tenants generally aware of notice requirements of the Act?

The three responses for this question agree that the awareness of the notice requirements varies, with one stating that landlords are usually aware, but tenants are not and that additional education and accessible resources could help improve compliance and reduce disputes. One response stated that it should not be the responsibility of any government body to push this information or assume any of the responsibility that comes with being a landlord (outside of social housing) or a tenant. This person also stated that with technology, anyone in housing should be able to access the Act and clear examples of effective outcomes.

Next Steps

The Department will study the information gathered from the stakeholders that responded to the request for feedback as well as the issues raised by the Rental Officer and consider how this feedback can contribute to improving and updating the Act.

⁹ Residential Tenancies Act (NWT), ss. 64 Abandoned personal property and s 65 – Sale of unclaimed property.