

IN THE MATTER between **NTHC**, Applicant, and **A.N. and R.N.**, 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,

BETWEEN:

NTHC

Applicant/Landlord

-and-

A.N. and R.N.

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: June 9, 2016

Place of the Hearing: Wrigley, Northwest Territories

Appearances at Hearing: K.K., representing the applicant
R.N., respondent

Date of Decision: June 9, 2016

REASONS FOR DECISION

An application to a rental officer made by FSHA as the applicant/landlord against A.N. and R.N. as the respondents/tenants was filed by the Rental Office October 14, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Wrigley, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for November 17, 2015.

The applicant alleged the respondents had repeatedly failed to pay their rent on time and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for June 9, 2016, in Wrigley, Northwest Territories. The rental officer appeared by telephone. Ms. K.K. appeared by telephone representing the applicant. Mr. R.N. appeared as respondent and on behalf of Ms. A.N..

Preliminary matters

The application to a rental officer identified the landlord as FSHA. The written tenancy agreement identified the landlord as the NTHC with FSHA as its agent. The parties agreed the applicant/landlord should appropriately be identified as the NTHC. The style of cause going forward will be amended accordingly.

Previous orders

Rental Officer Orders Numbered 10-3815 and 10-11511 were for previous tenancies and not relevant to the current tenancy.

Rental Officer Order Number 10-13593 dated November 21, 2013, required the respondents to pay rental arrears in the amount of \$6,959.44 in minimum monthly installments of \$100 starting in October 2013, and to pay their future rent on time.

Tenancy agreement

The parties agreed and evidence was presented establishing that they had entered into a residential tenancy agreement for subsidized public housing commencing June 1, 2012. The parties agreed that the tenancy ended in October 2015 when the respondents vacated the premises, subsequent to the application to a rental officer being made. I am satisfied a valid tenancy agreement was in place between the parties for subsidized public housing in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. It included an entry on March 31, 2016, for tenant damages in the amount of \$831.60 for which no evidence was presented and the respondent disputed. The amount for tenant damages was deducted from the lease balance statement, leaving a balance owing specific to rental arrears in the amount of \$22,633.25. The respondent did not dispute the amount of rental arrears owing. I am satisfied the amended lease balance statement accurately reflects the current status of the respondents' rent account and I find the respondents have accumulated rental arrears in the amount of \$22,633.25.

The current accumulated rental arrears include the unpaid portion of rental arrears ordered by Rental Officer Order Number 10-13593. As the respondents have repeatedly failed to comply with that order to pay minimum monthly installments, and they have repeatedly failed to pay their rent when due, and their tenancy has ended, paragraph 1 of Rental Officer Order Number 10-13593 will be rescinded pursuant to section 84(3) of the Act and an order will issue for the lump sum payment of the total amount of accumulated rental arrears.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 10-13593 and requiring the respondents to pay rental arrears in the amount of \$22,633.25.

Adelle Guigon
Rental Officer