

IN THE MATTER between **NTHC**, Applicant, and **J.K.**, 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**, Rental Officer,

BETWEEN:

NTHC

Applicant/Landlord

-and-

J.K.

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 7, 2016

Place of the Hearing: Gameti, Northwest Territories

Appearances at Hearing: D.A., representing the applicant

Date of Decision: July 7, 2016

REASONS FOR DECISION

An application to a rental officer made by GHA as the applicant/landlord against J.K. as the respondent/tenant was filed by the Rental Office April 19, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Gameti, Northwest Territories. The applicant personally served a copy of the filed application on the respondent April 26, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had repeatedly failed to pay rent when due, and had accumulated rental arrears. An order was sought for payment of rental arrears, for future rent to be paid on time, for termination of the tenancy agreement, for eviction, and for compensation for use and occupation of the rental premises.

A hearing was scheduled for July 7, 2016, in Gameti, Northwest Territories. The rental officer appeared by telephone. Ms. D.A. appeared representing the applicant. Mr. J.K. was served notice of the hearing by registered mail deemed served June 24, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. K. did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Preliminary matters

The application to a rental officer identified the landlord as GHA. The written tenancy agreement identified the landlord as NTHC. The GHA is recognized as an agent of the NTHC. The applicant's representative agreed the applicant/landlord should appropriately be identified as the NTHC. The style of cause going forward will reflect this amendment.

Previous orders

Rental Officer Order Number 10-14748 dated October 14, 2015, issued from a hearing held August 27, 2015. It ordered the respondent to pay rental arrears in the amount of \$2,285, to report household income as required, and to pay his future rent on time.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a tenancy agreement between the parties for subsidized public housing commencing December 5, 2011. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the Act.

Rental arrears

The ledger cards and lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

All rents have been assessed subsidies based on reported household income. Since November 2013 monthly rents have been assessed at \$75. The last payment made against the respondent's rent account is recorded on May 27, 2016, in the total amount of \$450. The statements indicate that payments since the last rental officer hearing have not been made on a consistent monthly basis.

Applying the payments made since August 27, 2015, against the rental arrears ordered paid in Rental Officer Order Number 10-14748 first leaves an amount owing under that order of \$1,260. That order remains enforceable. Rental arrears accumulated since August 27, 2015, amount to \$825.

I find the respondent has failed to comply with paragraph 3 of Rental Officer Order Number 10-14748 to pay his future rent on time. I find the respondent has not yet satisfied paragraph 1 of Rental Officer Order Number 10-14748. I find the respondent has repeatedly failed to comply with his obligation to pay his rent on time. I find the respondent has additional accumulated rental arrears in the amount of \$825.

Termination of the tenancy agreement and eviction

The applicant's representative reiterated the applicant's request for termination of the tenancy agreement and eviction, as well as compensation for use and occupation post-termination, but was receptive to imposing a conditional termination dependent on the respondent's successful payment of rental arrears and monthly rents.

I am satisfied termination of the tenancy agreement, eviction, and compensation are justified in consideration of the respondent's repeated and ongoing failure to pay his rent on time and the substantial amount of subsidized rental arrears. As per the applicant's request, I am prepared to impose a conditional termination order on the respondent.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$825; to pay his future rent on time; to terminate his tenancy agreement October 31, 2016, unless at least \$1,000 is paid towards the total rental arrears and the monthly rents for August, September, and October are paid on time; to evict the respondent from the rental premises November 1, 2016, if the termination of the tenancy agreement becomes effective; and requiring the respondent to compensate the applicant for use and occupation of the rental premises at a rate of \$50.79 for each day he remains there after the termination date, if the termination date becomes effective.

Adelle Guigon
Rental Officer