

IN THE MATTER between **NTHC**, Applicant, and **J.N.E.**, 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.N.E.

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 16, 2016

Place of the Hearing: Tuktoyaktuk, Northwest Territories

Appearances at Hearing: L.P., representing the applicant
B.L., representing the applicant

Date of Decision: June 16, 2016

REASONS FOR DECISION

An application to a rental officer made by THA as the applicant/landlord against J.N.E. as the respondent/tenant was filed by the Rental Office March 4, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Tuktoyaktuk, Northwest Territories. The applicant personally served a copy of the filed application on the respondent March 16, 2016.

The applicant alleged the respondent had repeatedly failed to pay his 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 16, 2016, in Tuktoyaktuk, Northwest Territories. The rental officer appeared by telephone. Ms. L.P. appeared representing the applicant. Mr. B.L. appeared by telephone representing the applicant. Mr. J.N.E. was served notice of the hearing by registered mail signed for May 31, 2016. Mr. E. 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 *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer identified the landlord as THA. The written tenancy agreement identified the landlord as NTHC with THA as its agent. The applicant's representatives agreed at hearing that the landlord should be properly identified as the NTHC. The style of cause going forward will be amended accordingly.

Tenancy agreement

The applicant's representatives testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing March 1, 2007. 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 tenant ledger cards and lease balance statement entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. All rents have been assessed subsidies based on reported household income. I am satisfied these documents accurately reflect the current status of the respondent's rent account.

I find the respondent has failed to comply with his obligation to pay the full amount of his rent when due. I find the respondent has accumulated rental arrears in the amount of \$3,525.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay his rent on time and the substantial amount of accumulated subsidized rent, I am satisfied termination of the tenancy agreement and eviction are justified. In consideration of the fact that this is the first time the respondent has been brought before a rental officer, I am satisfied that it would not be unreasonable to make the termination and eviction conditional on whether or not the respondent pays the full amount of rental arrears and his monthly rents on time.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$3,525; to pay his rent on time in the future; terminating his tenancy agreement on September 30, 2016, unless the rental arrears are paid in full and the monthly rents for July, August, and September are paid on time; and evicting the respondent from the rental premises October 1, 2016, if the termination of the tenancy becomes effective.

Adelle Guigon
Rental Officer