

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

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>L.P., representing the 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 THA as the applicant/landlord against A.N. and D.E. as the respondents/tenants 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 respondents March 15, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had repeatedly failed to pay their rent on time, and had accumulated rental arrears. An order was sought to rescind paragraph 1 of Rental Officer Order Number 20-13513, to pay rental arrears in a lump sum, to terminate the tenancy agreement, and to evict the respondents.

A hearing was scheduled for June 28, 2016, by three-way teleconference. Ms. L.P. appeared representing the applicant. Mr. A.N. and Ms. D.E. were served notice of the hearing by registered mail signed for June 20, 2016. Neither Mr. N. nor Ms. E. appeared at hearing. Ms. E. did contact the office on her own and Mr. N.'s behalf confirming they would not be able to attend the hearing and indicating that they understood the hearing would proceed in their absence. The hearing did proceed in their 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 representative agreed at hearing that the landlord should be properly identified as the NTHC. The style of cause going forward will be amended accordingly.

*Previous orders*

Rental Officer Order Numbers 20-3733, 20-4594, and 20-6035 have all either been satisfied or were regarding previous tenancy agreements.

Rental Officer Order Number 20-13513 dated August 2, 2013, required the respondents to pay rental arrears in the amount of \$16,165.95 in minimum monthly installments of \$100 starting in August 2013, and to pay their rent on time in the future.

*Tenancy agreement*

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing July 10, 2006. 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 respondents' 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 respondents' rent account.

The documents indicate that since Rental Officer Order Number 20-13513 was issued the respondents have not consistently paid their assessed rents and minimum monthly installments on time. This repeated pattern of behaviour has resulted in additional rental arrears being accumulated. I am satisfied the respondents have failed to comply with paragraphs 1 and 2 of Rental Officer Order Number 20-13513.

I find the respondents have failed to comply with a rental officer order. I find the respondents have been repeatedly late paying the full amount of their rent when due. I find the respondents have accumulated rental arrears in the total amount to date of \$15,263.67.

*Termination of the tenancy agreement and eviction*

In the respondent's email submission she acknowledged the respondents' debt and expressed a willingness to enter into a new payment plan. She indicated she is in a position currently to be able to pay up to \$1,000 per month in addition to her monthly assessed rent until December 2016, which she anticipates should resolve about half of the accumulated rental arrears, after which she would be able to sign a new repayment plan with the landlord based on her income. The payments made against the respondents' account in May 2016 seem to support the respondent's assertion she can do this.

The applicant's representative was receptive to entering into a new payment plan with the respondents, but did not wish for such a payment plan to be incorporated into an order from the rental officer. The substantial amount of rental arrears and the respondents' historical pattern of behaviour suggest the respondents would be unlikely to be able to comply with such an order. The applicant's representative reiterated their request to rescind paragraph 1 of Rental Officer Order Number 20-13513 for an order to pay the total rental arrears, but was receptive to a longer-term conditional termination order.

In light of the repeated failure of the respondents to either comply with a rental officer order or to pay their rent on time, and the substantial amount of subsidized rental arrears, I am satisfied that termination of the tenancy agreement is justified. I am prepared to issue a longer-term termination order conditional on the respondents' successful reduction of their rental arrears and the payment of their monthly rents on time. Due to the variable nature of a longer-term conditional termination order, I will not be issuing an eviction order at this time. The applicant may file a new application for an eviction order should the termination of the tenancy become effective due to the respondents failure to comply with the conditions in this order.

*Orders*

An order will issue rescinding paragraph 1 of Rental Officer Order Number 20-13513 and requiring the respondents to pay rental arrears in the amount of \$15,263.67, and terminating the tenancy agreement December 31, 2016, unless at least \$5,000 is paid towards the rental arrears and the monthly rents for July to December are paid on time.

I would remind the respondents that paragraph 2 of Rental Officer Order Number 20-13513 requiring them to pay their future rent on time remains in force.

---

Adelle Guigon  
Rental Officer