

IN THE MATTER between **NTHC**, Applicant, and **C.E. and B.E.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-

C.E. and B.E.N.

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 28, 2016

Place of the Hearing: Sachs Harbour, Northwest Territories

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

Date of Decision: July 28, 2016

REASONS FOR DECISION

An application to a rental officer made by SHHA on behalf of the NTHC as the applicant/landlord against C.E. and B.E.N. as the respondents/tenants was filed by the Rental Office March 15, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Sachs Harbour, Northwest Territories. The applicant personally served a copy of the filed application on the respondents March 23, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had failed to pay the full amount of rent when due, had accumulated additional rental arrears, and had failed to report household income as required. An order was sought for payment of the rental arrears, that future rent be paid on time, that household income be reported as required, termination of the tenancy agreement, and eviction.

A hearing was scheduled for July 28, 2016, in Sachs Harbour, Northwest Territories. The rental officer appeared by telephone. Ms. D.K. appeared representing the applicant. Mr. C.E. and Ms. B.E.N. were served notices of the hearing by registered mail deemed served July 13, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Mr. E. nor Ms. N. appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Tenancy agreement

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

Previous orders

Rental Officer Order Number 20-3550 dated February 21, 1995, was issued regarding a previous tenancy.

Rental Officer Order Number 20-13581 dated April 1, 2014, ordered the respondent C.E. to pay rental arrears in the amount of \$26,877.78 and to pay future rent on time.

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. I am satisfied the statements accurately reflect the current status of the respondents' rent account.

The statements corroborate the applicant's claim that the respondents have repeatedly failed to pay their rent and have accumulated additional substantial rental arrears since the last rental officer order was issued.

I find the respondents have failed to comply with Rental Officer Order Number 20-13581. I find the respondents have repeatedly failed to comply with their obligation to pay the full amount of rent when due. I find the respondents have accumulated rental arrears in the total amount of \$32,307.78.

Rental Officer Order Number 20-13581 remains enforceable. As such, an order for payment of rental arrears under this application will account for the rental arrears accumulated since the last hearing by deducting the previously ordered amount of \$26,877.78 from the current total amount of rental arrears. The rental arrears accumulated since the last hearing amounts to \$5,430.

Reporting of household income

Due to the applicant's recent revision of their policy regarding reporting of household income, the applicant's representative withdrew their request for an order requiring the respondent to report their household income as required.

Termination of the tenancy agreement and eviction

The applicant's representative agreed to withdraw their application for an eviction order upon agreeing to a conditional longer-term termination order dependent on whether or not the respondents successfully paid their rent on time and paid at least \$1,000 towards the accumulated rental arrears. Under the circumstances, I am satisfied this is appropriate.

In light of the substantial amount of rental arrears and the ongoing failure to pay the rent on time and in full, I am satisfied termination of the tenancy agreement is justified.

Orders

An order will issue requiring the respondents to pay additional rental arrears in the amount of \$5,430; to pay their future rent on time; and terminating their tenancy agreement December 31, 2016, unless the rents for August to December 2016 are paid on time and at least \$1,000 is paid towards the rental arrears.

Adelle Guigon
Rental Officer