

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

E.H.

Respondent/Tenant

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 E.H. as the respondent/tenant 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 respondent March 23, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had repeatedly failed to pay rent, had accumulated rental arrears, and had failed to report household income as required. An order was sought for payment of rental arrears, that future rent be paid on time, that household income be reported as required, for termination of the tenancy agreement, and for 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. Ms. E.H. was sent notice of the hearing by registered mail deemed served July 13, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. H. did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her 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 commencing April 1, 2012. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the Act.

Previous orders

Rental Officer Order Number 20-13578 dated May 7, 2014, ordered the respondent to pay rental arrears accumulated as of February 11, 2014, in the amount of \$8,865.94 and to pay her rent on time in the future.

Rental arrears

The lease balance statements 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. The last payment was recorded on September 11, 2015, in the amount of \$70. I am satisfied the statement accurately reflects the current status of the respondent's rent account.

I am satisfied the respondent has repeatedly failed to pay rent. I find the respondent has failed to comply with her obligation to pay her rent in full and on time and, as such, she has failed to comply with paragraph 2 of Rental Officer Order Number 20-13578. I find the respondent has accumulated rental arrears in the total amount of \$10,380.94.

The current rental arrears include the amount ordered paid by Rental Officer Order Number 20-13578, which remains enforceable. Deducting those rental arrears of \$8,865.94 from the current balance owing of \$10,380.94 leaves rental arrears accumulated since February 11, 2014, in the amount of \$1,515.

Reporting of income

The applicant's representative withdrew their request for an order to report household income as required, citing the landlord's recently invoked policy regarding annual income reporting.

Termination of the tenancy agreement and eviction

The applicant requested an order to terminate the tenancy agreement and evict the tenant as a consequence of ongoing accumulation of rental arrears, the repeated failure to pay rent, and the respondent's failure to comply with a rental officer order to pay her future rent on time. I am satisfied termination of the tenancy agreement and eviction are justified under the circumstances.

However, the respondent is acknowledged as an elder in the community with limited mobility. The respondent has been difficult to work with, and repeated promises to resolve her rental arrears and pay her rent on time have not been fulfilled. The applicant's representative further acknowledged that efforts are being made by the respondent's adult son to work off his mother's debt with the local housing organization, but those efforts have not as yet been successful. It was agreed at hearing that in this case a conditional termination and eviction order would be appropriate.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$1,515; to pay her rent on time in the future; to terminate her tenancy agreement November 30, 2016, unless the rents for September, October, and November were paid on time and at least \$300 was paid towards the total rental arrears; and evicting her from the rental premises on December 1, 2016, if the termination of the tenancy becomes effective.

Adelle Guigon
Rental Officer