

IN THE MATTER between **NTHC**, Applicant, and **R.L. and C.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-

R.L. and C.E.

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 28, 2016
<u>Place of the Hearing:</u>	Sachs Harbour, Northwest Territories
<u>Appearances at Hearing:</u>	D.K., representing the applicant C.E., respondent R.L., respondent
<u>Date of Decision:</u>	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 R.L. and C.E. 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 respondents March 23, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had 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 on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for June 15, 2016, in Sachs Harbour, Northwest Territories. The rental officer appeared by telephone. Ms. D.K. appeared representing the applicant. Ms. C.E. and Mr. R.L. appeared as respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Previous order

Rental Officer Order Number 20-13579 dated May 7, 2014, required the respondents to pay rental arrears in the amount of \$20,051.56 and to pay their 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. All rents have been subsidized based on reported household income. The respondents did not dispute the accuracy of the landlord's accounting and acknowledged the rental arrears claimed.

The statements support the applicant's allegation that the respondents have repeatedly and continuously failed to pay the full amount of their rent when due resulting in a substantial increase to the amount of rental arrears accumulated since the last rental officer order. The respondents acknowledged this failure, explaining that Ms. E. has just returned to work from maternity leave and their income is being garnished. The respondents have received confirmation that they should be receiving retroactive cheques within a few weeks which can be applied against the accumulated rental arrears. The respondents further indicated an expectation that they will be able to start paying their rent in full and on time along with additional small payments towards the rental arrears. In response to this indication from the respondents, the applicant's representative agreed to withdraw their request for termination of the tenancy agreement and eviction.

The applicant's representative also withdrew their request that the respondents report their household income as required due to the applicant's recent revision of their reporting policy from a monthly requirement to an annual requirement.

I am satisfied the lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondents have failed to comply with a rental officer order to pay rental arrears and pay their future rent on time. I find the respondents have repeatedly failed to comply with their obligation to pay their rent when due. I find the respondents have accumulated rental arrears in the amount of \$32,838.53.

Orders

As Rental Officer Order Number 20-13579 remains enforceable, the order issued today to pay rental arrears will account for the difference between the amount of rental arrears ordered then and the current balance.

An order will issue requiring the respondents to pay additionally accumulated rental arrears in the amount of \$12,786.97 and to pay their rent on time in the future.

Adelle Guigon
Rental Officer