

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

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: June 29, 2016

Place of the Hearing: Tulita, Northwest Territories

Appearances at Hearing: S.B., representing the applicant

Date of Decision: June 29, 2016, and August 8, 2016

REASONS FOR DECISION

An application to a rental officer made by THA as the applicant/landlord against C.M. and C.B. as the respondents/tenants was filed by the Rental Office March 21, 2016. The application was made regarding subsidized public housing residential tenancy agreements for a rental premises located in Tulita, Northwest Territories. The applicant personally served a copy of the filed application on the respondents March 29, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had repeatedly failed to pay rent on time, and had accumulated additional rental arrears. An order was sought to rescind paragraph 1 of Rental Officer Order Number 20-14562 and for lump sum payment of rental arrears.

A hearing was scheduled for June 29, 2016, in Tulita, Northwest Territories. The rental officer appeared by telephone. Ms. S.B. appeared representing the applicant. Mr. C.M. and Ms. C.B. were sent notices of attendance by registered mail deemed served June 16, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Mr. M. nor Ms. B. appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Preliminary matters

The application to a rental officer identified the landlord as THA. The written tenancy agreements identify the landlord as the NTHC with THA as its agent. The applicant/landlord is appropriately identified as the NTHC and the style of cause going forward will be amended accordingly.

Tenancy agreements

The applicant's representative testified and provided evidence establishing that the respondents had entered into a joint tenancy agreement for subsidized public housing commencing April 3, 2014. The joint tenancy ended December 2, 2015, when the landlord and C.M. entered into a sole tenancy agreement for subsidized public housing commencing December 3, 2015. I am satisfied valid tenancy agreements were in place between the parties as identified and in accordance with the Act.

Previous orders

Rental Officer Order Number 20-14562 dated April 27, 2015, required the respondents to pay rental arrears accumulated under their joint tenancy agreement in the amount of \$2,566.78 in minimum monthly installments of \$100 starting in April 2015; to pay their future rent on time; and to comply with their obligation to report total household income in accordance with their tenancy agreement.

Rental arrears

The lease balance statements and tenant ledger cards entered into evidence represent the landlord's accounting of monthly assessed rents and payments made throughout the joint and sole tenancies to date. All rents have been subsidized based on reported household income. I am satisfied the statements and cards accurately reflect the combined status of the two rent accounts.

The documents corroborate the applicant's allegations that the respondents failed to pay the minimum monthly installments required by the previous rental officer order and failed to pay their rent on time. I find the respondents failed to comply with a rental officer order. I find the respondents have repeatedly failed to comply with their obligation to pay their rent when due.

The last payment received on the joint tenancy agreement rent account was recorded July 7, 2015, in the amount of \$100. Since commencement of the sole tenancy, a payment of \$450 was made December 7, 2015, a payment of \$3,000 was made January 31, 2016, a payment of \$100 was made February 22, 2016, and a payment of \$930 was extrapolated to have been made in March 2016; no further payments have been received against the rent accounts since March 2016. The subsidized rent under the sole tenancy for December was assessed at \$65 while the subsidized rents for January to June 2016 were assessed at \$70. Applying the payments received in each of December, January, February, and March first against the respective months' subsidized rents and then applying the remaining credits against the rental arrears under the joint tenancy, I find the respondents have accumulated rental arrears under the joint tenancy in the amount of \$3,875 and I find the respondent C.M. has accumulated rental arrears under the sole tenancy in the amount of \$210.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 20-14562; requiring the respondents C.M. and C.B. to pay rental arrears in the amount of \$3,875; requiring the respondent C.M. to pay rental arrears in the amount of \$210; and requiring the respondent C.M. to pay his future rent on time.

Adelle Guigon
Rental Officer