

IN THE MATTER between **NTHC**, Applicant, and **LRP**, 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-

**LRP**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>September 6, 2016</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>LP, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>September 6, 2016</b>

**REASONS FOR DECISION**

An application to a rental officer made by THA as the applicant/landlord against LRP as the respondent/tenant 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 respondent March 16, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent on time and had accumulated rental arrears. An order was sought for payment of rental arrears, that future rent be paid on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for September 6, 2016, by three-way teleconference. Ms. LP appeared representing the applicant. Ms. LRP was served notice of the hearing by registered mail deemed served August 24, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. LRP did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in her 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 agreement identified the landlord as the NTHC with THA as its agent. The applicant's representative agreed at hearing that the landlord should appropriately be identified as the NTHC. The style of cause going forward will be amended to identify the applicant/landlord as the NTHC.

*Tenancy agreement*

The applicant's representative testified and provided evidence establishing a tenancy agreement between the parties for subsidized public housing commencing May 1, 2001. Rental arrears began accumulating in April 2015 when payments against the rent account became inconsistent. The applicant's representative confirmed that all rents have been assessed subsidies based on reported household income. The lease ledger entered into evidence reflects a rental arrears balance as of December 31, 2015, and monthly assessed rents and payments received against the rent account between January 1 and September 2, 2016. I am satisfied the lease ledger accurately represents the current status of the respondent's rent account. The last three payments made against the account were recorded June 10, February 29, and January 25, 2016. I find the respondent has repeatedly failed to pay rent on time and has accumulated rental arrears in the amount of \$4,579.04.

*Termination of the tenancy agreement and eviction*

The rental arrears accumulated to date represent approximately 10 months' subsidized rent, which is a substantial amount, and in consideration with the respondent's repeated failure to pay her rent when due I am satisfied termination of the tenancy agreement and eviction are justified. However, this being the first time the respondent has been brought before a rental officer, a termination and eviction order conditional on the respondent's successful payment of future rent on time and payment of at least some of the rental arrears seems appropriate.

*Orders*

An order will issue requiring the respondent to pay rental arrears in the amount of \$4,579.04; to pay her future rent on time; terminating her tenancy agreement December 31, 2016, unless the rents for October, November, and December are paid on time and at least \$600 is paid towards the rental arrears; and evicting her from the rental premises January 1, 2017, if the termination of the tenancy becomes effective.

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Adelle Guigon  
Rental Officer