

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

AD

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 5, 2016
<u>Place of the Hearing:</u>	Behchoko, Northwest Territories
<u>Appearances at Hearing:</u>	LH, representing the applicant EN, representing the applicant TM, representing the applicant
<u>Date of Decision:</u>	October 5, 2016

REASONS FOR DECISION

An application to a rental officer made by BKGK as the applicant/landlord against AD as the respondent/tenant was filed by the Rental Office March 16, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The applicant personally served a copy of the filed application on the respondent March 21, 2016.

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

A hearing was scheduled for October 5, 2016, in Behchoko, Northwest Territories. Ms. LH, Ms. EN, and Ms. TM appeared representing the applicant. Ms. AD was sent notice of the hearing by registered mail deemed served September 20, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondent 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 BKGK. The written tenancy agreements identify the landlord as NTHC with BKGK as its agent. Going forward the style of cause for this matter will identify the applicant/landlord as NTHC.

Tenancy agreement

The applicant's representatives testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing January 20, 2011. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statements, statements of account, lease ledger, and ledger spreadsheet submitted 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. I am satisfied these documents accurately reflect the current status of the respondent's rent account.

The statements support the applicant's allegation that the respondent has repeatedly failed to pay the full amount of her rent when due. This has occurred throughout the tenancy to date. The rent since October 2015 has been assessed at the maximum of \$1,545. The last payment received on the account was recorded August 18, 2016, in the amount of \$1,000.

I find the respondent has repeatedly failed to comply with her obligation to pay the full amount of rent each month. I find the respondent has accumulated substantial rental arrears in the amount of \$20,000.

Termination of the tenancy agreement and eviction

Considering the respondent's repeated failure to pay her rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$20,000; terminating the tenancy agreement October 31, 2016; evicting the respondent November 1, 2016; and requiring the respondent to pay compensation for use and occupation at a rate of \$50.79 for each day she remains in the rental premises.

Adelle Guigon
Rental Officer