

IN THE MATTER between **NTHC**, Applicant, and **TT and JM**, 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-

TT and JM

Respondents/Tenants

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 TT, respondent JM, respondent
<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 TT and JM as respondents/tenants 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 the respondents a copy of the filed application on March 21, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had repeatedly failed to pay rent, and had accumulated substantial rental arrears. An order was sought to rescind paragraph 1 of Rental Officer Order Number 10-13439, for lump sum payment of the rental arrears, to terminate the tenancy agreement, to evict the respondents, and for compensation for use and occupation of the rental premises.

A hearing was scheduled for October 5, 2016, in Behchoko, Northwest Territories. Ms. LH, Ms. EN, and Ms. TM appeared representing the applicant. Ms. TT and Mr. JM appeared as respondents.

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 parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing in 1998. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 10-13439 dated June 13, 2014, ordered the respondents to pay rental arrears in the amount of \$28,691.71 in minimum monthly installments of \$150 starting in June 2014, and to pay their future rent on time.

Rental arrears

The lease balance statements and lease ledgers entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account since April 2012. All rents have been assessed subsidies based on reported household income. The respondents did not dispute the accuracy of the statements. I am satisfied the statements accurately reflect the current status of the respondents' rent account.

The statements corroborate the applicant's representatives' testimony that the respondents failed to comply with the rental officer order to make minimum monthly payments against the previously accumulated rental arrears. The statements also corroborate the testimony that the respondents have repeatedly failed to pay the full amount of rent when due. The respondents' rental arrears have marginally increased since the last rental officer order.

I find the respondents have failed to comply with rental officer orders. I find the respondents have repeatedly failed to comply with their obligation to pay the full amount of their rent when due. I find the respondents have accumulated substantial rental arrears in the amount of \$29,016.34.

Termination of the tenancy agreement and eviction

Having found the respondents failed to comply with rental officer orders, failed to pay their rent, and have accumulated substantial rental arrears, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue: rescinding paragraph 1 of Rental Officer Order Number 10-13439; requiring the respondents to pay rental arrears in the amount of \$29,016.34; terminating the tenancy agreement October 31, 2016; evicting the respondents November 1, 2016; and requiring the respondents to pay compensation for use and occupation at a rate of \$50.79 for each day they remain in the rental premises after October 31, 2016.

Adelle Guigon
Rental Officer