

IN THE MATTER between **BKGK**, Applicant, and **RM (RM, RAM)**, 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:

BKGK

Applicant/Landlord

-and-

RM

(RM, RAM)

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 RM as the respondent/tenant was filed by the Rental Office April 25, 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 April 27, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had repeatedly failed to pay rent, and had accumulated rental arrears. An order was sought for payment of 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. RM was served notice of the hearing by registered mail signed for September 20, 2016. The respondent did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer identified the respondent/tenant as RM. Other documentary evidence provided with the application to a rental officer spelled the respondent's name as RM and RAM. I am satisfied all three variations represent or refer to the same individual. As the respondent was not present at hearing to confirm the correct spelling of her name, the style of cause will reflect all three variations.

Tenancy agreement

The applicant's representatives testified and presented evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing about March 1973. It has been a sole tenancy with the respondent since about March 2010. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Previous orders

Rental Officer Order Number 10-13414 dated June 12, 2013, found the respondent had accumulated rental arrears in the amount of \$31,394.63. The order required the respondent to pay the rental arrears and terminated the tenancy agreement July 15, 2013. Although the respondent did not satisfy the order to pay the rental arrears, the applicant did not enforce the termination order and permitted the tenancy to continue uninterrupted.

Rental arrears

Lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account since April 2012. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

All rents have been assessed subsidies based on reported household income. The rent has been assessed at \$75 since May 2013. Between April 2013 and October 2016 nine payments have been received totalling \$1,170.24; the last payment was received September 28, 2016, in the amount of \$150. The amount of rental arrears have increased since the last rental officer order by \$5,289.76 to a total of \$36,684.39.

I find the respondent has failed to comply with a rental officer order to pay rental arrears. I find the respondent has repeatedly failed to comply with her obligation to pay the full amount of her rent when due. I find the respondent has accumulated substantial rental arrears in the amount of \$36,684.39. As Rental Officer Order Number 10-13414 remains enforceable by filing it with the Northwest Territories Supreme Court before August 31, 2018, I will issue an order for the respondent to pay additionally accumulated rental arrears in the amount of \$5,289.76.

Termination of the tenancy agreement and eviction

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

Orders

An order will issue: requiring the respondent to pay additionally accumulated rental arrears in the amount of \$5,289.76; terminating the tenancy agreement November 30, 2016; evicting the respondent from the rental premises December 1, 2016; and requiring the respondent to pay compensation for use and occupation of the rental premises at a rate of \$50.79 for each day she remains in the rental premises after November 30, 2016.

Adelle Guigon
Rental Officer