

IN THE MATTER between **NTHC**, Applicant, and **AE and NF**, 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-

AE and NF

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
<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 AE and NF as the respondents/tenants was filed by the Rental Office May 18, 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 respondents May 19, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had repeatedly failed to pay their rent, and had accumulated substantial rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, eviction, and 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. AE and Mr. NF were sent notice of this hearing by registered mail deemed served September 20, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). An attempt to contact the respondents at the telephone number provided on file was unsuccessful, and there was no voicemail to that number to leave a message. No email address was provided. Neither respondent 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 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 November 19, 1998. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Previous orders

Rental Officer Order Number 10-8104 dated November 13, 2004, ordered the respondents to pay rental arrears in the amount of \$17,444 in minimum monthly installments of \$461 starting in December 2004, and to pay their future rent on time.

Rental Officer Order Number 10-13522 dated November 15, 2013, ordered: the respondents to pay rental arrears in the amount of 49,654.05; termination of the tenancy agreement for October 31, 2013, unless the household income for May 2010 to September 2013 was reported; and not to breach their obligation to report household income again.

Rental arrears

The lease balance statements, lease ledgers, statements of account for rent, and account summary for rent represent the landlord's accountings of monthly assessed rents and payments made against the respondents' rent account.

The respondents complied with the rental officer order to report their income for May 2010 to September 2013, resulting in subsidy adjustments to the assessed rents for June 2010 to October 2013. However, they have again failed to report their income for the months of June to September 2016, resulting in the application of the maximum monthly rent of \$1,545 for the months of July to October 2016.

I am satisfied the statements accurately reflect the current status of the respondents' rent account. I find the respondents have failed to comply with rental officer orders. I find the respondents have repeatedly failed to pay their rent. I find the respondents have accumulated rental arrears in the amount of \$40,127.

Termination of the tenancy agreement and eviction

Considering the respondents' failure to comply with rental officer orders, their repeated failure to pay their 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 respondents to pay rental arrears in the amount of \$40,127; terminating their tenancy agreement October 31, 2016; evicting the respondents November 1, 2016; and requiring the respondents to pay compensation for use and occupation of the rental premises at a rate of \$50.79 for each day they remain in the rental premises after October 31, 2016.

Adelle Guigon
Rental Officer