

IN THE MATTER between **NTHC**, Applicant, and **CR and FF**, 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-

**CR and FF**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** September 7, 2016

**Place of the Hearing:** Whati, Northwest Territories

**Appearances at Hearing:** GA, representing the applicant

**Date of Decision:** September 7, 2016

### **REASONS FOR DECISION**

An application to a rental officer made by WHA as the applicant/landlord against CR and FF as the respondents/tenants was filed by the Rental Office May 30, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Whati, Northwest Territories. The applicant personally served a copy of the filed application on the respondents June 8, 2016.

The applicant alleged the respondents had failed to pay the full amount of the security deposit, had repeatedly failed to pay rent, had accumulated rental arrears, and had failed to report their total household income as required. An order was sought for payment of the outstanding security deposit, payment of rental arrears, payment of future rent on time, and reporting of household income for November 2014.

A hearing was scheduled for September 7, 2016, in Whati, Northwest Territories. The rental officer appeared by telephone. Ms. GA appeared representing the applicant. Mr. CR and Ms. FF were served notices of the hearing by registered mail signed for August 26, 2016. Neither of the respondents appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in the respondents' absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

#### *Preliminary matters*

The application to a rental officer identified WHA as the applicant/landlord. The written tenancy agreement identified NTHC as the landlord with NTHCNSD[O] as its agent. The applicant's representative clarified at hearing that WHA has recently been established within the community and has taken over the local housing organization duties from the NTHCNSDO. The applicant's representative

further confirmed that the style of cause should appropriately reflect the landlord as NTHC. I am satisfied that WHA is acting as agent for the NTHC. Going forward, the style of cause will reflect NTHC as the applicant/landlord.

*Tenancy agreement*

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing October 21, 2014. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

*Security deposit*

The applicant's representative testified and provided evidence establishing the respondents' security deposit of \$1,149. It was further established that only one payment of \$280 was made towards the security deposit on February 19, 2015. Section 14(2) of the Act requires the tenant to pay the security deposit in full within three months of the commencement of the tenancy. I am satisfied the respondents have failed to comply with their obligation to pay their full security deposit within three months of the commencement of their tenancy. I find the respondents have an outstanding security deposit in the amount of \$869.

*Rental arrears and reporting of household income*

The lease balance statements entered 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, except for December 2014. The applicant's representative testified that a review of the respondents' file confirmed the respondents had failed to report their total household income for the month of November 2014 which resulted in the charging of the maximum monthly rent of \$1,545 for the month of December 2014.

Section 6 of the tenancy agreement requires tenants to report their total household income to the landlord whenever and as often as required by the landlord. Until July 2016, tenants were required to report their household income on a monthly basis, from which the immediately subsequent month's rent would be assessed subsidies.

I am satisfied the respondents failed to report their total household income for the month of November 2014. I am satisfied the charging of the maximum monthly rent for December 2014 was appropriate. I am satisfied the lease balance statements accurately reflect the current status of the respondents' rent account. I am satisfied the respondents have repeatedly failed to pay their rent. I find the respondents have accumulated rental arrears in the amount of \$806.

#### *Orders*

An order will issue: requiring the respondent to pay rental arrears in the amount of \$806; requiring the respondents to pay their rent on time in the future; requiring the respondents to report their total household income for the month of November 2014; and requiring the respondents to pay the outstanding security deposit in the amount of \$869.

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Adelle Guigon  
Rental Officer