

IN THE MATTER between **NTHC**, Applicant, and **JC and MC**, 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-

JC and MC

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 2, 2016
<u>Place of the Hearing:</u>	Sachs Harbour, Northwest Territories
<u>Appearances at Hearing:</u>	DK, representing the applicant
<u>Date of Decision:</u>	November 2, 2016

REASONS FOR DECISION

An application to a rental officer made by SHHA on behalf of the NTHC as the applicant/landlord against JC and MC as the respondents/tenants was filed by the Rental Office June 24, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Sachs Harbour, Northwest Territories. The applicant personally served a copy of the filed application on the respondents July 14, 2016.

The applicant alleged the respondents had repeatedly failed to pay their rent, had failed to report their household income as required, and had accumulated rental arrears. An order was sought for payment of the rental arrears, that future rent be paid on time, that household income be reported as required, for termination of the tenancy agreement, and for eviction.

A hearing was scheduled for November 2, 2016, in Sachs Harbour, Northwest Territories. The rental officer appeared by teleconference. Ms. DK appeared representing the applicant. Mr. JC and Ms. MC were sent notices of the hearing by registered mail deemed served October 13, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2010. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears and reporting of household income

The lease balance statement entered into evidence represents the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. The last three payments made on the account are recorded on: April 1, 2015 in the amount of \$200; June 1, 2016, in the amount of \$200; and October 12, 2016, in the amount of \$500. All rents up to and including for June 2016 were assessed subsidies based on reported household income. Initially, the maximum monthly rent of \$1,445 was charged the months of July to November 2016 as a result of the respondents failing to report their annual income for the 2015 fiscal year. The applicant's representative confirmed the respondents have provided consent for the Canada Revenue Agency to share the respondents' 2015 income tax assessments with the applicant for the purposes of calculating rent subsidies for the months of July 2016 to June 2017; however, the respondents have only recently filed their 2015 income tax returns and as such their assessments have not been completed or received yet. The applicant's representative acknowledged the respondents as elders whose income is unlikely to have changed from previous reportings, and agreed to tentatively assess their rents for July to November 2016 at the previously assessed monthly rate of \$70. This amount is, of course, pending receipt of the required tax assessments proving the respondents actual 2015 income, which may result in further adjustments to their rent account.

I am satisfied the amended lease balance statement accurately reflects 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 \$4,619. I am satisfied the respondents have failed to comply with their obligation to report their household income as required under section 6 of their tenancy agreement.

Termination of the tenancy agreement and eviction

In light of the respondents repeated and unreasonable failure to pay their rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement is justified. With the applicant's representative's agreement, I am satisfied the termination of the tenancy agreement should be conditional on the respondents paying their future rent on time and paying at least \$400 towards their rental arrears. I am not satisfied an eviction order is justified at this time.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$4,619; requiring the respondents to pay their rent on time in the future; requiring the respondents to report their household income in accordance with section 6 of their tenancy agreement; and terminating the tenancy agreement May 31, 2017, unless the rents for December to May are paid on time and at least \$400 is paid towards the rental arrears.

Adelle Guigon
Rental Officer