

IN THE MATTER between **GBHHL**, Applicant, and **KSA and PN**, 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:

GBHHL

Applicant/Landlord

-and-

KSA and PN

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 8, 2016
<u>Place of the Hearing:</u>	Inuvik, Northwest Territories
<u>Appearances at Hearing:</u>	GM, representing the applicant KSA, respondent PN, respondent
<u>Date of Decision:</u>	November 8, 2016

REASONS FOR DECISION

An application to a rental officer made by GBHHL as the applicant/landlord against KSA and PN as the respondents/tenants was filed by the Rental Office August 24, 2016. The application was made regarding a residential tenancy agreement for a rental premises located in Inuvik, Northwest Territories. The applicant personally served the respondents a copy of the filed application on September 1, 2016.

The applicant alleged the respondents had repeatedly failed to pay their rent and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for November 8, 2016, in Inuvik, Northwest Territories. The rental officer appeared by telephone. Mr. GM appeared representing the applicant. Mr. KSA and Ms. PN appeared as respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them commencing July 7, 2012. Rent was established at \$1,250 per month. 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 20-13223 dated January 15, 2013, found the respondents had accumulated rental arrears in the amount of \$2,400 and ordered they pay the rental arrears.

Rental Officer Order Number 20-13813 dated January 13, 2014, found the respondents had repeatedly failed to pay their rent on time and ordered that they pay their future rent on time. At the time of filing this application the respondents had carried rental arrears as well, but those arrears had been resolved by the time of the hearing.

Rental arrears

The tenant record sheet entered into evidence represents the landlord's accounting of monthly rent and payments made against the respondent's rent account. It shows a balance of rent owing as of August 9, 2016, in the amount of \$2,850 representing approximately 2.25 months' rent. The applicant's representative testified that, despite the respondents having made some payments since the application was filed, the amount of accumulated rental arrears have increased to \$4,600 as of this hearing date; this amount represents approximately 3.75 months' rent.

The respondents did not dispute either the amount of rental arrears alleged or that they have been repeatedly late paying rent. Explanations were offered by way of the respondents' income being affected by maternity leave on one part and unexpected unemployment on the other part. Some employment has now been regained, although the household income remains limited. They are hopeful on the one part for increased work hours, and expect secured employment after maternity leave on the other part. Neither respondent applied for either employment insurance benefits or income assistance, nor did they make inquiries regarding subsidized public housing options. The respondents were apologetic, but could not provide reliable assurances that they could resolve their rental arrears and pay their monthly rent on time. Their current monthly income appears to be approximately \$1,500.

I am satisfied the respondents have repeatedly failed to pay the full amount of their rent when due. I find the respondents have failed to comply with a rental officer order to pay their future rent on time. I find the respondents have accumulated rental arrears in the amount of \$4,600.

Termination of the tenancy agreement and eviction

In consideration of the respondents' failure to comply with a rental officer order, the respondents' repeated failure to pay their rent on time, and the substantial amount of rental arrears accumulated to date, I am satisfied termination of the tenancy agreement and eviction are justified. In light of the respondents' personal circumstances at present, I am prepared to grant the respondents until the end of December 2016 to find alternate accommodations.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$4,600; requiring the respondents to pay their future rent, and in particular their rent for December 2016, on time; terminating the tenancy agreement December 31, 2016; evicting the respondents from the rental premises January 1, 2017; and requiring the respondents to pay compensation for use and occupation of the rental premises at a rate of \$41.10 for each day they remain in the rental premises after December 31, 2016.

Adelle Guigon
Rental Officer