

IN THE MATTER between **NTHC**, Applicant, and **PD**, 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:

NTHC

Applicant/Landlord

-and-

PD

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 24, 2016
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	KK, representing the applicant PD, respondent
<u>Date of Decision:</u>	November 24, 2016

REASONS FOR DECISION

An application to a rental officer made by FSHA on behalf of the NTHC as the applicant/landlord against PD as the respondent/tenant was filed by the Rental Office August 29, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for September 26, 2016.

The applicant alleged the respondent had repeatedly failed to pay 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 24, 2016, by three-way teleconference. Ms. KK appeared representing the applicant. Ms. PD appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing under the landlord's Homeownership Entry Level Program commencing May 1, 2015. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The parties agreed and evidence was presented establishing the respondent's repeated failure to pay her rent and that she has accumulated rental arrears to date in the amount of \$5,925.65. The respondent testified that she is a full-time student, she has started receiving income assistance, she is actively seeking full-time employment, and she is in the process of accessing investment funds to resolve her arrears.

I am satisfied the respondent has repeatedly failed to pay her rent. I find the respondent has accumulated rental arrears in the amount of \$5,925.65.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay her rent and the substantial amount of rental arrears I am satisfied termination of the tenancy agreement and eviction are justified. However, in consideration of the respondent's circumstances and the efforts she is making to resolve the arrears and put herself in a better position to comply with her obligations as a tenant, I am satisfied the termination and eviction should be conditional on the payment in full of the rental arrears and future rent being paid on time.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$5,925.65; requiring the respondent to pay her future rent on time; terminating the tenancy agreement February 28, 2017, unless the rental arrears are paid in full and the rents for December, January, and February are paid on time; and evicting the respondent from the rental premises March 1, 2017, if the termination of the tenancy agreement comes into effect.

Adelle Guigon
Rental Officer