

IN THE MATTER between **NTHC**, Applicant, and **EBS**, 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-

EBS

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 22, 2016

Place of the Hearing: Fort McPherson, Northwest Territories

Appearances at Hearing: EF, representing the applicant
DF, representing the applicant

Date of Decision: November 22, 2016

REASONS FOR DECISION

An application to a rental officer made by FMHA on behalf of the NTHC as the applicant/landlord against EBS 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 McPherson, Northwest Territories. The applicant sent a copy of the filed application to the respondent by registered mail deemed served September 15, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondent had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of rental arrears, termination of the tenancy agreement, eviction, and compensation for use and occupation of the rental premises.

A hearing was scheduled for November 22, 2016, in Fort McPherson, Northwest Territories. The rental officer appeared by telephone. Ms. EF and Ms. DF appeared representing the applicant. Ms. EBS was served notice of the hearing by registered mail signed for November 4, 2016. The respondent did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representatives testified and submitted evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing May 10, 1998. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement and tenant ledger card entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account since September 1, 2013. All rents have been assessed subsidies based on reported household income. Until July 2016 the respondent had failed to consistently pay the full amount of her rent when due; at that point the respondent had successfully arranged for payroll deductions to cover her monthly assessed rent, and she began making additional regular payments towards her rental arrears. When the application was filed the respondent had accumulated rental arrears in the amount of \$1,965; as of this hearing the respondent had successfully reduced the rental arrears to \$448.

I am satisfied the statement and ledger accurately reflect the current status of the respondent's rent account. I am satisfied the respondent has repeatedly failed to pay the full amount of her rent when due. I find the respondent has accumulated rental arrears in the amount of \$448.

Termination of the tenancy agreement and eviction

In light of the respondent's historical pattern of failing to pay the full amount of her rent when due, I am satisfied that termination of the tenancy agreement and eviction are justified. However, I am in agreement with the applicant that termination and eviction conditional on the respondent's payment of the rental arrears in full and her future rent on time is appropriate under the circumstances.

Orders

an order will issue: requiring the respondent to pay rental arrears in the amount of \$448; 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