

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

SN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 3, 2016

Place of the Hearing: Deline, Northwest Territories

Appearances at Hearing: LB, representing the applicant

Date of Decision: November 3, 2016

REASONS FOR DECISION

An application to a rental officer made by DHA on behalf of the NTHC as the applicant/landlord against SN as the respondent/tenant was filed by the Rental Office August 30, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Deline, Northwest Territories. The applicant personally served a copy of the filed application on the respondent September 21, 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 3, 2016, in Deline, Northwest Territories. The rental officer appeared by telephone. Mr. LB appeared representing the applicant. Ms. SN was served notice of the hearing by registered mail signed for October 11, 2016. The respondent did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and presented evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing November 5, 2013. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

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. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

The statements corroborate the applicant's allegation that the respondent has repeatedly failed to pay her rent and has accumulated rental arrears. The last payment recorded on the account was made August 31, 2016, in the amount of \$350.

I am satisfied the respondent has repeatedly failed to pay her rent. I find the respondent has accumulated rental arrears in the amount of \$901.

Termination of the tenancy agreement and eviction

The applicant's representative testified that attempts to speak with the respondent regarding the arrears have been unsuccessful. The respondent has refused to communicate with the landlord regarding the issue. Regardless of the respondent's behaviour, the applicant's representative agreed it would not be unreasonable to grant the respondent an opportunity to show she can comply with her obligation to pay her rent and rental arrears.

In consideration of the respondent's repeated failure to pay her rent and the substantial amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. I am also satisfied under the circumstances that the termination and eviction conditional on payment of the rental arrears and payment of rents on time is appropriate.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$901; requiring the respondent to pay her rent on time in the future; 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 becomes effective.

Adelle Guigon
Rental Officer