

IN THE MATTER between **NTHC**, Applicant, and **SP and JHF**, 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-

SP and JHF

Respondents/Tenants

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
JF, respondent

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 SP and JHF as the respondents/tenants 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 Fort McPherson, Northwest Territories. The applicant sent a copy of the filed application to the respondents by registered mail deemed served September 15, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondents 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, 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. Mr. JF appeared as respondent and on behalf of Ms. SP.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing December 3, 2012. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The parties agreed and evidence was presented establishing the respondents' pattern of repeatedly failing to pay their rent and a current amount of rental arrears of \$1,625. All rents have been subsidized based on reported household income. The respondent confirmed that he has just started working again and is confident they will be able to pay their rent on time and pay off the accumulated rental arrears.

I am satisfied the respondents have repeatedly failed to pay their rent. I find the respondents have accumulated rental arrears in the amount of \$1,625.

Repairs

Since filing of the application to a rental officer, the respondents locked themselves out of the rental premises requiring the applicant's maintenance personnel to attend to let them in. The applicant charged the respondents \$50 for the call out. The respondent confirmed the incident occurred and did not dispute the amount claimed. I am satisfied the respondents are responsible for the costs associated with being locked out of their rental premises. I find the respondents liable to the applicant for costs in the amount of \$50.

Termination of the tenancy agreement and eviction

In light of the respondents' repeated pattern of failing to pay their rent and the amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction conditional on the payment of the rental arrears and call-out charges in full and the rents for December, January, and February being paid on time is justified.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$1,625; requiring the respondents to pay their rent on time in the future; requiring the respondents to pay costs for call-out charges in the amount of \$50; terminating the tenancy agreement February 28, 2017, unless the rental arrears and call-out charges are paid in full and the rents for December, January, and February are paid on time; and evicting the respondents from the rental premises March 1, 2017, if the termination of the tenancy agreement comes into effect.

Adelle Guigon
Rental Officer