

IN THE MATTER between **NTHC**, Applicant, and **CB and JH**, 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-

CB and JH

Respondents/Tenants

REASONS FOR DECISION

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| <u>Date of the Hearing:</u> | October 26, 2016 |
| <u>Place of the Hearing:</u> | Fort Providence, Northwest Territories |
| <u>Appearances at Hearing:</u> | AG, representing the applicant CB, respondent |
| <u>Date of Decision:</u> | October 26, 2016 |

REASONS FOR DECISION

An application to a rental officer made by FPHA on behalf of the NTHC as the applicant/landlord against CB and JH as the respondents/tenants was filed by the Rental Office September 20, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort Providence, Northwest Territories. The applicant personally served a copy of the filed application on the respondents September 27, 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, payment of future rent on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for October 26, 2016, in Fort Providence, Northwest Territories. The rental officer appeared by telephone. Ms. AG appeared representing the applicant. Ms. CB appeared as respondent and on behalf of Mr. JH.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing April 1, 2012. 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 lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. All rents have been assessed subsidies. The respondent did not dispute the amount of rental arrears claimed and accepted responsibility for the debt.

I am satisfied the statements accurately reflect the current status of the respondents' rent account. I am satisfied the respondents have been repeatedly late paying their rent. I find the respondents have accumulated rental arrears in the amount of \$5,142.33.

Termination of the tenancy agreement and eviction

The applicant's representative requested an order to terminate the tenancy agreement and evict the respondents, but was receptive to such an order being conditional on the respondents paying the rental arrears in full and their future rents on time.

In consideration of the respondents' repeated failure to pay their rent and the substantial amount of accumulated rental arrears, I am satisfied termination of the tenancy agreement and eviction are justified. I am in agreement with the applicant that conditional termination and eviction would be appropriate under the circumstances.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$5,142.33; requiring the respondents to pay their future rent on time; terminating the tenancy agreement February 28, 2017, unless the rental arrears are paid in full and the rents for November to February are paid on time; and evicting the respondents from the rental premises March 1, 2017, if the termination of the tenancy becomes effective.

Adelle Guigon
Rental Officer