

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

PR

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 25, 2016
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	GA, representing the applicant EN, representing the applicant
<u>Date of Decision:</u>	October 25, 2016

REASONS FOR DECISION

An application to a rental officer made by NTHC as the applicant/landlord against PR as the respondent/tenant was filed by the Rental Office May 4, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Whati, Northwest Territories. The applicant personally served a copy of the filed application on the respondent May 9, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had repeatedly failed to pay her rent, and had accumulated rental arrears. An order was sought to rescind paragraph 1 of Rental Officer Order Number 10-14074, for lump sum payment of rental arrears, for termination of the tenancy agreement, for eviction, and for compensation for use and occupation of the rental premises. Supplementary information was submitted after filing of the application regarding claims for repairs and cleaning of the rental premises.

A hearing was scheduled for October 25, 2016, by three-way teleconference. Ms. GA and Ms. EN appeared representing the applicant. Ms. PR was served notice of the hearing by email deemed received October 7, 2016, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

Preliminary matters

Since filing of the application to a rental officer, WHA has been established within the community of Whati. WHA now acts as agent for the NTHC. The style of cause to this application is not changed by this information; it is provided simply as a piece of administrative information.

Tenancy agreement

The applicant's representatives testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2012. Since filing of the application, the respondent vacated the premises ending the tenancy agreement May 31, 2016. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Repairs and cleaning

The applicant had submitted supplementary information to the application specifically with regard to claims for damages and cleaning discovered upon the respondent vacating the rental premises. However, service of the supplementary information on the respondent could not be established at hearing. As such, the issues of repairs and cleaning will be adjourned *sine die* pending confirmation of service of the related supplementary information on the respondent.

Previous orders

Rental Officer Order Number 10-14074 dated September 4, 2014, required the respondent to pay rental arrears in the amount of \$25,867.88 in minimum monthly installments of \$519.52 due the 6th day of each month starting in August 2014, and to pay her rent on time in the future.

Rental arrears

The lease balance statements and account summaries 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 for subsidies based on reported household income. I am satisfied the statements and summaries accurately reflect the current status of the respondent's rent account.

The statements and summaries corroborate the applicant's allegations that the respondent has repeatedly failed to pay her rent and has repeatedly failed to pay the minimum monthly installments ordered by the rental officer. As a consequence, the accumulated rental arrears have increased.

I am satisfied the respondent has failed to comply with a rental officer order. I am satisfied the respondent has repeatedly failed to pay her rent. I find the respondent has accumulated rental arrears in the amount of \$38,234.43.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 10-14074 and requiring the respondent to pay rental arrears in the amount of \$38,234.43.

Adelle Guigon
Rental Officer