

IN THE MATTER between **BKGK**, Applicant, and **LL and GS**, 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:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

LL and GS

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 5, 2016
<u>Place of the Hearing:</u>	Behchoko, Northwest Territories
<u>Appearances at Hearing:</u>	LH, representing the applicant EN, representing the applicant TM, representing the applicant
<u>Date of Decision:</u>	October 5, 2016

REASONS FOR DECISION

An application to a rental officer made by BKGK as the applicant/landlord against LL and GS as the respondent/tenant was filed by the Rental Office July 14, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The applicant personally served a copy of the filed application on the respondents July 19, 2016.

The applicant alleged the respondents had failed to comply with a rental officer order, had repeatedly failed to pay their rent, had accumulated rental arrears, and had caused damages to the rental premises. An order was sought to rescind paragraph 2 of Rental Officer Order Number 10-13440, for lump sum payment of rental arrears, and for payment of costs for repairs.

A hearing was scheduled for October 5, 2016, in Behchoko, Northwest Territories. Ms. LH, Ms. EN, and Ms. TM appeared representing the applicant. Ms. LL and Mr. GS were sent notices of the hearing by registered mail deemed served September 20, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither of the respondents appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

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. The respondents vacated the rental premises by the end of May 2016. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act.

Previous orders

Rental Officer Order Number 10-13440 dated June 6, 2013, required the respondents to report their household income in accordance with their tenancy agreement, to pay rental arrears in the amount of \$6,824 in minimum monthly installments of \$150 starting in June 2013, and to pay their future rent on time.

Rental arrears

The lease balance statements and ledgers 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 based on reported household income. The applicant appropriately withheld the respondent's security deposit against rental arrears.

I am satisfied the statements and ledgers accurately reflect the current status of the respondents' rent account. I am satisfied the respondents have repeatedly failed to comply with a rental officer order to pay minimum monthly installments against previously accumulated rental arrears. I am satisfied the respondents have repeatedly failed to pay the full amount of their rent when due. I find the respondents have accumulated rental arrears in the amount of \$17,933.20.

Damages

The applicant's representatives testified and provided evidence in support of their claim for costs to repair the following damages:

Replace utility area door stop	\$25.00
Replace storage area door stop and latch	\$40.00
Repair stained and painted floor tiles in storage area	\$300.00
Repair and repaint walls with dirty, marker, crayon, and other marks	\$750.00
Total	<u>\$1,115.00</u>

I am satisfied the respondents are responsible for the above claimed damages. I find the respondents liable to the applicant for costs of repairs in the amount of \$1,115.

Orders

An order will issue: rescinding paragraph 2 of Rental Officer Order Number 10-13440 and requiring the respondent to pay rental arrears in the amount of \$17,933.20; and requiring the respondent to pay costs for repairs in the amount of \$1,115.

Adelle Guigon
Rental Officer