

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

DE

Respondent/Tenant

REASONS FOR DECISION

<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
<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 DE as the respondent/tenant was filed by the Rental Office June 24, 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 respondent August 8, 2016.

The applicant alleged the respondent had accumulated rental arrears and had failed to comply with a rental officer order. An order was sought to rescind the previous rental officer order, for lump sum payment of rental arrears.

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. Mr. DE was sent notice of the hearing by registered mail deemed served October 14, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondent did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the Act.

Previous order

Rental Officer Order Number 10-12214 dated August 25, 2011, required the respondent to pay rental arrears in the amount of \$4,427.66 in minimum monthly installments of \$50 starting in August 2011, to comply with his obligation not to cause disturbances and not breach that obligation again, and to pay his rent on time in the future.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing March 9, 2009. The tenancy agreement ended November 2, 2012, when the tenant vacated the rental premises. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act.

Rental arrears and time for making application

The applicant's representative testified and provided evidence establishing that the respondent had repeatedly failed to pay his rent and had repeatedly failed to pay the minimum monthly installments required under Rental Officer Order Number 10-12214. The last payment received against the respondent's rent account was recorded on May 6, 2013, in the amount of \$50. The last contact the applicant's office received from the respondent was some time in 2015, at which point the respondent had asked for the balance owing and offered assurances that he would make an effort to pay. Those assurances failed to produce results. The file was subsequently sent to the applicant's collections division and then, upon review of the file, returned to the local housing authority to pursue an order rescinding the previous rental officer order and requiring the respondent to pay the rental arrears in a lump sum pursuant to section 84(4).

Section 68 of the Act limits the time for making an application to a rental officer to within six months after the breach occurred, but also allows a rental officer to extend the time for making an application where it would not be unfair to do so. Although the tenancy agreement ended in November 2012, the respondent did make some additional efforts after vacating the rental premises to pay against his debt and repeated efforts were subsequently made by the applicant to communicate with the respondent to resolve the debt. In my opinion, it would not be unfair to extend the time for making the application to a rental officer and as such that extension is granted.

I am satisfied the respondent has failed to comply with rental officer orders to pay rental arrears in minimum monthly installments and to pay his future rent on time. I find the respondent has accumulated rental arrears in the amount of \$3,428.44.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 10-12214 and requiring the respondent to pay rental arrears in the amount of \$3,428.44.

Adelle Guigon
Rental Officer