

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

HM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 29, 2016

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JB, representing the applicant
AG, representing the applicant

Date of Decision: November 29, 2016

REASONS FOR DECISION

An application to a rental officer made by NTHC as the applicant/landlord against HM as the respondent/tenant 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 Norman Wells, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for October 25, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent, had failed to report income as required, and had accumulated rental arrears. An order was sought for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for November 29, 2016, by three-way teleconference. Ms. JB and Ms. AG appeared representing the applicant. Mr. HM was sent notice of the hearing by registered mail deemed served November 23, 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.

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. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Reporting of household income

Section 6 of the tenancy agreement requires tenants to report their total household income whenever and as often as the landlord requests, and in the form prescribed by the landlord. Prior to July 2016, subsidized public housing tenants generally were required to report their household income on a monthly basis. As of July 1, 2016, subsidized public housing tenants were required to provide their previous year's income tax assessments from which the landlord would calculate eligible subsidies on an annual basis, such that the resulting monthly subsidized rents for July 2016 to June 2017 would be equal and would not change.

The applicant's representatives testified and provided evidence establishing that the respondent has failed to provide his 2015 income information as requested. They believe the respondent has not filed his taxes as yet. As a consequence, the applicant had no information from which to calculate any subsidies that the respondent might be eligible for and charged the maximum rent of \$1,625 for the months of July to November 2016. The respondent did attend the office November 18th to make a payment and sign some forms, but no indication was made of his intentions with regard to reporting his income. I am satisfied the respondent has failed to comply with his obligation to report his household income in accordance with section 6 of the tenancy agreement. I am satisfied the application of the maximum rent for the months of July to November 2016 is appropriate.

Rental arrears

The lease balance statement entered into evidence represents the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. All rents up to and including June 2016 have been assessed subsidies based on reported household income. As previously mentioned, the rents for July to November 2016 have been charged the maximum monthly rent of \$1,625 due to the respondent's failure to report his income as required. The last two payments recorded on the account were made November 18, 2016, in the amount of \$400, and February 1, 2016, in the amount of \$400. I am satisfied the respondent has been repeatedly late paying his rent. I find the respondent has accumulated rental arrears in the amount of \$8,125.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay his rent and the substantial amount of rental arrears accumulated, as well as the respondent's repeated failure to comply with his obligation to report his household income as required, I am satisfied that termination of the tenancy agreement and eviction are justified. However, to my mind an opportunity to resolve all issues would be appropriate and as such the termination and eviction will be conditional on the reporting of household income, payment of the rental arrears, and payment of future rent on time.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$8,125; requiring the respondent to pay his future rent on time; requiring the respondent to comply with his obligation to report his household income and not breach that obligation again; terminating the tenancy agreement February 28, 2017, unless the respondent's household income is reported as required, the rental arrears are paid in full, and the rents for December, January, and February are paid on time; and evicting the respondent from the rental premises March 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer