

IN THE MATTER between **NTHC**, Applicant, and **KS and SF**, 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-

KS and SF

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 11, 2017
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	GA, representing the applicant
<u>Date of Decision:</u>	January 11, 2017

REASONS FOR DECISION

An application to a rental officer made by NTHC as the applicant/landlord against KS and SF as the respondents/tenants was filed by the Rental Office September 26, 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 respondents October 11, 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, that future rent be paid on time, for termination of the tenancy agreement, for eviction, and for compensation for use and occupation of the rental premises.

A hearing was scheduled for January 11, 2017, by three-way teleconference. Ms. GA appeared representing the applicant. Mr. KS and Ms. SF were sent notices of the hearing by registered mail deemed served December 26, 2016. The rental officer personally contacted the respondents by telephone and spoke with SF, confirming the scheduled hearing information and encouraging the respondents to pick up their registered mail from the local post office. The respondent acknowledged the information and indicated her intention to pick up the registered mail from the local post office. 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 *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing under the Homeownership Entry Level Program (HELP) commencing April 1, 2014. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement entered into evidence represents the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. All rents have been subsidized at \$375 per month. The last three payments made against the respondents' rent account were recorded: December 13, 2016, in the amount of \$400; March 30, 2016, in the amount of \$244; and July 10, 2015, in the amount of \$500.

I am satisfied the respondents have repeatedly failed to pay their rent. I find the respondents have accumulated rental arrears in the amount of \$7,162.

Termination of the tenancy agreement and eviction

In consideration of the respondents' repeated failure to pay their rent and the substantial amount of rental arrears accumulated to date, I am satisfied that termination of the tenancy agreement and eviction are justified. The applicant's representative confirmed the applicant would be satisfied with a conditional termination and eviction order dependent on the respondents' successfully making payments against the accumulated rental arrears and paying their monthly rent on time. I am satisfied a conditional termination and eviction order would be appropriate under the circumstances.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$7,162; requiring the respondents to pay their future rent on time; terminating the tenancy agreement April 30, 2017, unless at least \$2,000 is paid towards the rental arrears and the rents for February, March, and April are paid on time; and evicting the respondents from the rental premises May 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer