

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

**DM**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>January 31, 2017</b>
<b><u>Place of the Hearing:</u></b>	<b>Lutselk'e, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>MRC, representing the applicant EN, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>January 31, 2017</b>

**REASONS FOR DECISION**

An application to a rental officer made by LKHA on behalf of the NTHC as the applicant/landlord against DM as the respondent/tenant was filed by the Rental Office August 30, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application to the respondent by registered mail signed for October 3, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent, had accumulated rental arrears, and had failed to comply with a rental officer order. An order was sought for payment of rental arrears, that future rent be paid on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for January 31, 2017, in Lutselk'e, Northwest Territories. The rental officer appeared by telephone. MRC and EN appeared representing the applicant. DM was served notice of the hearing by registered mail. The Lutselk'e Post Office confirmed on January 27, 2017, that the respondent had picked up the registered mail. The respondent did not appear at the hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

*Previous order*

Rental Officer Order Number 10-12988 dated October 3, 2012, required the respondent to pay rental arrears in the amount of \$14,439, to pay his future rent on time, and to report his household income in accordance with his tenancy agreement. The rental arrears at the time included the assessment of maximum monthly rent for several months due to the respondent having failed to report his household income as required. Since issuance of that order the

respondent complied with his obligation to report his household income and as a consequence the rents were re-assessed for applicable subsidies resulting in a reduction of the amount of rental arrears accumulated from \$14,439 to \$5,034. Since issuance of that order, five CRA remittance payments were received against these rental arrears amounting to \$2,247. To date, \$2,787 in rental arrears remains owing under Rental Officer Order Number 10-12988.

*Tenancy agreement*

The applicant's representatives testified and evidence was presented 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.

*Rental arrears*

The lease balance statements 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 subsidies based on reported household income. The last payment received against the respondent's rent account was recorded November 4, 2016, in the amount of \$100. The balance owing reflected in the lease balance statement is \$6,932, which includes the outstanding amount of \$2,787 from Rental Officer Order Number 10-12988.

I find the respondent has repeatedly failed to pay his rent, has failed to comply with a rental officer order to pay future rent on time, and has accumulated additional rental arrears since October 2012 in the amount of \$4,145.

*Termination of the tenancy agreement and eviction*

In consideration of the respondent's repeated and unreasonable failure to pay rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

*Orders*

An order will issue: requiring the respondent to pay rental arrears in the amount of \$4,145; terminating the tenancy agreement March 31, 2017; evicting the respondent from the rental premises April 1, 2017; and requiring the respondent to pay compensation for use and occupation at a rate of \$47.51 for each day the respondent remains in the rental premises after March 31, 2017.

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Adelle Guigon  
Rental Officer