

IN THE MATTER between **NTHC**, Applicant, and **MI and NM**, 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-

MI and NM

Respondents/Tenants

REASONS FOR DECISION

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

REASONS FOR DECISION

An application to a rental officer made by LKHA on behalf of the NTHC as the applicant/landlord against MI and NM as the respondents/tenants 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 on the respondents by registered mail signed for September 28, 2016.

The applicant alleged the respondents had repeatedly failed to pay rent, had repeatedly failed to comply with a rental officer order, and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, eviction, and compensation for use and occupation of the rental premises.

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. MI appeared as respondent and on behalf of NM.

Previous orders

Rental Officer Order Number 10-10234 dated July 19, 2008, required MI as sole tenant to pay rental arrears in the amount of \$929 in minimum monthly installments of \$50 starting in August 2008 and to pay future rent on time. The monetary order has been satisfied.

Rental Officer Order Number 10-12984 dated October 3, 2012, required MI as sole tenant to pay rental arrears in the amount of \$1,447.11, required MI and NM as joint tenants to pay rental arrears in the amount of \$4,133, and required the respondents to pay future rent on time and report their household income in accordance with their tenancy agreement. The monetary order has been satisfied.

Rental Officer Order Number 10-14322 dated December 8, 2014, required the respondents to pay rental arrears in the amount of \$8,935 in minimum monthly installments of \$100 starting in December 2014, to pay their future rent on time, and terminated the tenancy agreement March 31, 2015, unless the minimum monthly installments and rents for December, January, February, and March were paid on time. The monetary order has not been satisfied.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing some time prior to January 2008. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (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 respondents' rent account. All rents have been assessed subsidies based on reported household income. The current subsidized rent has been assessed at \$555 per month. The last payment recorded on the account was a CRA remittance on July 18, 2016, for \$24.67; the last payment made by the respondents directly was recorded on June 30, 2016, in the amount of \$500. The respondent did not dispute the accuracy of the accounting. I am satisfied the lease balance statement accurately reflects the current status of the respondents' rent account.

The lease balance statements further support the applicant's allegation that the respondents failed to pay the minimum monthly installments required under paragraph 1 of Rental Officer Order Number 10-14322. The current rental arrears balance includes rental arrears owing under that order as well.

The respondent acknowledged their failure to comply with the previous rental officer order and their failure to comply with their obligation to pay rent. She indicated they are expecting a substantial amount from their income tax returns which can be applied against the accumulated rental arrears. Additionally, she expects to receive her child tax benefit soon which can also be applied against the accumulated rental arrears. The respondent testified that she recently started working again; NM is not working.

I find the respondents have failed to comply with a rental officer order, have repeatedly failed to pay their rent, and have accumulated rental arrears in the amount of \$8,592.71.

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, I am satisfied termination of the tenancy agreement and eviction are justified. However, the applicant's representatives proposed a conditional termination and eviction order dependent on the respondents paying at least \$5,500 towards their rental arrears and paying their future rent on time. The respondent was agreeable to this proposal. I am satisfied conditional termination and eviction as proposed is appropriate.

Orders

An order will issue: rescinding paragraph 1 of Rental Officer Order Number 10-14322 and requiring the respondents to pay rental arrears in the amount of \$8,592.71; requiring the respondents to pay their future rent on time; terminating the tenancy agreement March 31, 2017, unless at least \$5,500 is paid towards the rental arrears and the rents for February and March are paid on time; and evicting the respondents from the rental premises April 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer