

IN THE MATTER between **NTHC**, Applicant, and **PL and JI**, 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-

PL and JI

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
<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 PL and JI 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 October 7, 2016.

The applicant alleged the respondents had repeatedly failed to pay rent, had failed to comply with a rental officer order, and had accumulated rental arrears. An order was sought for payment of 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. PL and JI were served notice of the hearing by registered mail. The Lutselk'e Post Office confirmed on January 27, 2017, that the respondents had picked up their registered mail. 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).

Previous orders

Rental Officer Order Number 10-10231 dated July 19, 2008, required the respondents to pay rental arrears in the amount of \$1,564, to pay for costs of repairs in the amount of \$106, and to pay future rent on time.

Rental Officer Order Number 10-12998 dated October 2, 2012, required the respondents to pay rental arrears in the amount of \$22,574, to pay future rent on time, and to report household income in accordance with their tenancy agreement. Adjustments to the amount of rental arrears accumulated were subsequently made when the respondents reported their income as required and the rent subsidies were re-assessed.

Rental Officer Order Number 10-14321 dated December 1, 2014, required the respondents to pay rental arrears in the amount of \$2,075, to pay future rent on time, and terminated the tenancy agreement February 28, 2015, unless the rental arrears were paid in full and the rents for December, January, and February were paid on time. The amount of rental arrears ordered paid represents those accumulated between September 2012 and December 2014.

All three orders remain enforceable until August 31, 2018.

Tenancy agreement

The applicant's representatives testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing some time prior to January 2008. I am satisfied a valid residential 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 respondents' rent account. All rents have been assessed subsidies based on reported household income. The last payment received against the respondent's rent account was a CRA remittance recorded October 12, 2016, in the amount of \$425.48. Of the \$5,702.78 balance reflected on the lease balance statements, the amount of rental arrears accumulated since December 2014 (Rental Officer Order Number 10-14321) is \$924.52. I find the respondents have repeatedly failed to pay their rent, they have failed to comply with a rental officer order, and they have accumulated additional rental arrears in the amount of \$924.52.

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.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$924.52; terminating the tenancy agreement March 31, 2017; evicting the respondents from the rental premises April 1, 2017; and requiring the respondents to pay compensation for use and occupation at a rate of \$47.51 for each day they remain in the rental premises after March 31, 2017.

Adelle Guigon
Rental Officer