

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

FR

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 14, 2017
<u>Place of the Hearing:</u>	Tuktoyaktuk, Northwest Territories
<u>Appearances at Hearing:</u>	LP, representing the applicant FR, respondent JP, on behalf of the respondent
<u>Date of Decision:</u>	February 14, 2017

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against FR as the respondent/tenant was filed by the Rental Office October 6, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Tuktoyaktuk, Northwest Territories. The applicant personally served a copy of the filed application on the respondent October 13, 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 the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for February 14, 2017, in Tuktoyaktuk, Northwest Territories. The rental officer appeared by telephone. LP appeared representing the applicant. FR appeared as respondent with her spouse JP appearing on the respondent's behalf.

Previous orders

Rental Officer Order Number 20-14326 dated November 18, 2014, required the respondent to pay rental arrears in the amount of \$528 and terminated her tenancy agreement January 31, 2015, unless the rental arrears were paid in full.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing June 25, 2008. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The lease ledgers 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 and are currently subsidized at \$790 per month. The last two payments made against the respondent's rent account were recorded February 6, 2017, in the amount of \$70, and January 20, 2017, in the amount of \$100. The rental arrears ordered paid under Rental Officer Order Number 20-14326 were paid in full by March 2015. The current ledger balance represents rental arrears accumulated since the last rental officer order.

I am satisfied the lease ledgers accurately reflect the current status of the respondent's rent account. I am not satisfied the respondent has failed to comply with a rental officer order. I find the respondent has repeatedly failed to pay rent and has accumulated rental arrears in the amount of \$7,595.

Reporting of household income

At hearing the respondent admitted that currently she is the only employed adult in the home, and that her spouse is unemployed and has been trying to obtain Workers' Safety and Compensation Commission benefits. She also admitted that she has not reported the change in the household income to the applicant. That being the case, the applicant was not aware that a potential recalculation of rent subsidies might be in order. Until the new numbers are reported, however, the current rent subsidies remain accurate. Under the circumstances, I find the respondent has failed to comply with her obligation to report her total household in accordance with section 6 of her tenancy agreement.

Termination of the tenancy agreement and eviction

In consideration of the respondent's repeated failure to pay her rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, in an effort to permit the respondent the opportunity to resolve the arrears and show she could comply with her obligation, the applicant's representative agreed to withdraw the request for eviction if a long-term conditional termination order could be issued dependent on the payment in full of the rental arrears and future rent paid on time. Under the circumstances, I am satisfied the applicant's representative's proposal is appropriate.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$7,595; requiring the respondent to pay her rent on time in the future; requiring the respondent to comply with her obligation to report her total household income in accordance with section 6 of her tenancy agreement; and terminating the tenancy agreement August 31, 2017, unless the rental arrears are paid in full and the rents for March through August are paid on time.

Adelle Guigon
Rental Officer