

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

LK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 16, 2017

Place of the Hearing: Ulukhaktok, Northwest Territories

Appearances at Hearing: FG, representing the applicant
SJ, representing the applicant
LK, respondent

Date of Decision: February 16, 2017

REASONS FOR DECISION

An application to a rental officer made by UHA on behalf of the NTHC as the applicant/landlord against LK as the respondent/tenant was filed by the Rental Office October 18, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Ulukhaktok, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for November 9, 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 February 16, 2017, in Ulukhaktok, Northwest Territories. The rental officer appeared by telephone. FG and SJ appeared representing the applicant. LK appeared as respondent.

Previous orders

Rental Officer Order Number 20-13682 dated July 10, 2014, required the respondent to pay rental arrears in the amount of \$16,620 and to pay her rent on time in the future. This order was filed with the Courts and garnishments have been made which have reduced the amount of rental arrears remaining owing under this order to \$3,074.29.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them 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 *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 respondent's rent account. All rents have been assessed subsidies based on reported household income and are currently assessed at \$325 per month. The last three payments made by the respondent against her rent account were recorded: December 6, 2016, in the amount of \$278; November 22, 2016, in the amount of \$278; and December 23, 2014, in the amount of \$100.

The respondent did not dispute the accuracy of the landlord's accounting and acknowledged her debt. She did refer to an application which has been recently submitted to the landlord with updated household income information to re-assess her rent subsidies. The applicant's representatives confirmed having received the application information and as of this morning the corporate office has not yet completed the re-assessment. They further confirmed that the monthly subsidies rents to date have been calculated based on household income that had been reported prior to the submission of the application for re-assessment.

I am satisfied that the lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay her rent, has repeatedly failed to comply with a rental officer order to pay her future rent on time, and has accumulated rental arrears since the last rental officer order was issued in the amount of \$13,834.

Termination of the tenancy agreement and eviction

In light 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. By agreement with the parties, it was deemed appropriate to impose a three-month termination and eviction order dependent on the respondent paying at least \$750 towards her rental arrears and paying her rents for March, April, and May on time.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$13,834; requiring the respondent to pay her rent on time in the future; terminating the tenancy agreement May 31, 2017, unless at least \$750 is paid towards the rental arrears and the rents for March, April, and May are paid on time; and evicting the respondent from the rental premises June 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer