

IN THE MATTER between **NTHC**, Applicant, and **RJW and SB**, 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-

RJW and SB

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 7, 2017

Place of the Hearing: Behchoko, Northwest Territories

Appearances at Hearing: EN, representing the applicant
LC, representing the applicant

Date of Decision: February 7, 2017

REASONS FOR DECISION

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against RJW and SB as the respondents/tenants was filed by the Rental Office December 7, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The applicant personally served a copy of the filed application on the respondents December 16, 2016.

The applicant alleged the respondents 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, eviction, and compensation for use and occupation of the rental premises.

A hearing was scheduled for February 7, 2017, in Behchoko, Northwest Territories. EN and LC appeared representing the applicant. RJW and SB were served notice of the hearing by registered mail signed for January 23, 2017. 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 10-8747 dated February 1, 2006, required the respondents to pay rental arrears in the amount of \$26,360. This order has not been satisfied. However, due to the dated nature of the order the applicant's representatives agreed not to have Rental Officer Order Number 10-8747 enforced if an order issued from the current application could be for the full amount of rental arrears claimed.

Rental Officer Order Number 10-14982 dated February 23, 2016, required the respondents to report their household income in accordance with their tenancy agreement and to pay their future rent on time.

Tenancy agreement

The applicant's representatives testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing some time prior to December 2005. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement entered into evidence represents the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. All rents have been subsidized based on reported household income. The current rent has been assessed at \$345 per month. The last payment received against the account was recorded September 21, 2016, in the amount of \$80. I am satisfied the lease balance statement accurately reflects the current status of the respondents' rent account.

I find the respondents have repeatedly failed to pay their rent, have failed to comply with a rental officer order, and have accumulated rental arrears in the amount of \$18,924.63.

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 \$18,924.63; 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 \$50.79 for each day they remain in the rental premises after March 31, 2017.

As previously mentioned in these reasons, although Rental Officer Order Number 10-8747 technically remains eligible for enforcement by filing with the Clerk of the Supreme Court until August 31, 2018, and it does order payment of an amount which is more than sufficient to cover the current rental arrears balance, that order is 11 years old and it was agreed that as long as the applicant did not file Rental Officer Order Number 10-8747 for enforcement it would be appropriate to issue a new rental officer order for the full amount of the current rental arrears balance.

Adelle Guigon
Rental Officer