

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

DLP

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 7, 2017

Place of the Hearing: Tuktoyaktuk, Northwest Territories

Appearances at Hearing: LP, representing the applicant

Date of Decision: March 7, 2017

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against DLP as the respondent/tenant was filed by the Rental Office November 18, 2016. The application was made regarding a 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 November 28, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of the rental arrears and termination of the tenancy agreement.

A hearing was scheduled for March 7, 2017, in Tuktoyaktuk, Northwest Territories. The rental officer appeared by telephone. LP appeared representing the applicant. DLP was sent notice of the hearing by registered mail deemed served February 23, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondent did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing July 25, 2014. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement and lease ledger 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. The subsidized rent is currently assessed at \$70 per month. The last four payments received for rent were recorded: February 9, 2017, in the amount of \$87.84; January 30, 2017, in the amount of \$210; December 8, 2016, in the amount of \$300; and June 17, 2016, in the amount of \$20.

I am satisfied the lease balance statement and lease ledger accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay her rent when due and has accumulated current rental arrears in the amount of \$152.16.

Termination of the tenancy agreement and eviction

Although the respondent's current rental arrears are not substantial, the respondent's historical pattern of repeatedly failing to pay rent is a substantial breach of her obligations and for this reason I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the applicant's representative, I am satisfied conditional termination and eviction dependent on the respondent's successful payment of the rental arrears in full and payment of her future rent on time is appropriate.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$152.16; requiring the respondent to pay her rent on time in the future; terminating the tenancy agreement June 30, 2017, unless the rental arrears are paid in full and the rents for April, May, and June are paid on time; and evicting the respondent from the rental premises July 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer