

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

FJ

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 FJ as the respondent/tenant was filed by the Rental Office November 18, 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 November 28, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent, had repeatedly failed to comply with a rental officer order, 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. FJ 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 his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Previous orders

Rental Officer Order Number 20-11375 dated April 15, 2010, required the respondent to pay rental arrears in the amount of \$1,815.53, terminated the tenancy agreement April 30, 2010, unless the rental arrears were paid in full, and required the respondent to pay his rent on time in the future. This monetary order was satisfied.

Rental Officer Order Number 20-14122 dated September 19, 2014, required the respondent to pay rental arrears in the amount of \$2,004 and terminated the tenancy agreement November 30, 2014, unless the rental arrears were paid in full and the rents for October and November 2014 were paid on time. This monetary order was satisfied and the tenancy continued uninterrupted.

Rental Officer Order Number 20-15099 dated June 16, 2016, required the respondent to pay rental arrears in the amount of \$1,330, required the respondent to pay his rent on time in the future, and terminated the tenancy agreement August 31, 2016, unless the rental arrears were paid in full and the rents for July and August 2016 were paid on time. This monetary order was satisfied and the tenancy continued uninterrupted.

Tenancy agreement

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing June 14, 1991. 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 current subsidized rent has been assessed at \$1,155 per month. The last six payments received against the respondent's rent account were recorded: March 2, 2017, in the amount of \$3,600; January 27, 2017, in the amount of \$5; January 23, 2017, in the amount of \$1,015; December 13, 2016, in the amount of \$1,000; December 1, 2016, in the amount of \$1,010; and August 29, 2016, in the amount of \$2,500.

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 rent, has failed to comply with a rental officer order to pay future rent on time, and has accumulated rental arrears in the amount of \$1,595.

Termination of the tenancy agreement and eviction

In consideration of the respondent's repeated failure to pay his rent, his repeated failure to comply with a rental officer order, and the accumulation of rental arrears, 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 paying the rental arrears in full and his future rent on time is reasonable.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$1,595; requiring the respondent to pay his 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 becomes effective.

Adelle Guigon
Rental Officer