

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

**AJ**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** March 8, 2017

**Place of the Hearing:** Fort Providence, Northwest Territories

**Appearances at Hearing:** AG, representing the applicant

**Date of Decision:** March 8, 2017

**REASONS FOR DECISION**

An application to a rental officer made by FPHA on behalf of the NTHC as the applicant/landlord against AJ 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 Fort Providence, Northwest Territories. The applicant sent a copy of the filed application to the respondent by registered mail deemed served December 8, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondent had repeatedly failed to pay rent, had repeatedly left the rental premises unattended for an extended period of time, and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for March 8, 2017, in Fort Providence, Northwest Territories. The rental officer appeared by telephone. AG appeared representing the applicant. AJ was sent notice of the hearing by registered mail deemed served February 20, 2017. The respondent did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her 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 October 29, 2015. I am satisfied a valid tenancy agreement is in place between the parties in accordance with 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. The last payment received against the account was recorded September 23, 2016, in the amount of \$170.

The applicant became aware that the respondent had left the community for several weeks starting in July 2016 without giving notice to the landlord. Attempts to communicate with the respondent were largely unsuccessful, but the few times they did reach her the respondent assured them that she intended to return to the community and continue residing at the rental premises. The last successful communication with the same assurance was received November 8, 2016. The applicant's representative testified to checking the rental premises nearly every week since then and have not observed any evidence of anyone returning or entering the premises to date. Personal property does remain within the premises. Although it appears they could have, the landlord has not deemed the premises abandoned and has not reclaimed possession.

I am satisfied the lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay rent and has accumulated rental arrears in the amount of \$430.

*Termination of the tenancy agreement and eviction*

In consideration of the respondent's repeated failure to pay the rent and the accumulated rental arrears, as well as the respondent's apparent disinterest in residing at the rental premises, I am satisfied termination of the tenancy agreement and eviction are justified.

*Orders*

An order will issue: requiring the respondent to pay rental arrears in the amount of \$430; terminating the tenancy agreement March 31, 2017; and evicting the respondent from the rental premises April 1, 2017.

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Adelle Guigon  
Rental Officer