

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

KK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 9, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: AB, representing the applicant

Date of Decision: March 9, 2017

REASONS FOR DECISION

An application to a rental officer made by YHA on behalf of the NTHC as the applicant/landlord against KK 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 Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent November 23, 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, termination of the tenancy agreement, and eviction.

A hearing was scheduled for March 9, 2017, in Yellowknife, Northwest Territories. AB appeared representing the applicant. KK was served notice of the hearing by registered mail deemed served February 22, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act) and by email deemed received March 6, 2017, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations). The respondent failed to appear at the 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 June 6, 2013. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The statements of account and receivables register 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 rent has been assessed at \$365 per month. The last payment received against the account was recorded February 6, 2017, in the amount of \$365. The rents were paid in full and on time for the months of November 2016 to February 2017, however, prior to November it is clear the respondent repeatedly failed to do so throughout the tenancy.

I am satisfied the statements of account and the receivables register accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay the full amount of her rent when due and has accumulated rental arrears in the amount of \$1,403.88.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay her rent and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, balanced against the respondent's recent successful efforts to satisfy her obligation to pay her rent, and by agreement with the applicant's representative, I am satisfied the termination and eviction should be conditional on the payment of the rental arrears in full and the payment of future rent on time.

Orders

An order will issue: requiring the respondent to pay rental arrears in the amount of \$1,403.88; 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