

IN THE MATTER between **NTHC**, Applicant, and **KD and WJL**, 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-

KD and WJL

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 28, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: TM, representing the applicant

Date of Decision: February 28, 2017

REASONS FOR DECISION

An application to a rental officer made by BKGK as the applicant/landlord against KD and WJL was filed by the Rental Office September 30, 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 the filed application on the respondent October 6, 2016.

The applicant alleged the respondents had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of the rental arrears, that future rent be paid on time, and for conditional termination of the tenancy agreement and eviction.

A hearing was scheduled for February 28, 2017, by three-way teleconference. TM appeared representing the applicant. KD and WJL were served notice of the hearing by registered mail signed for February 15, 2017. Neither of the respondents appeared at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the respondents' absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer identified the landlord as BKGK. The written tenancy agreement identified the landlord as NTHC with BKGK as its agent. The applicant's representative agreed the application should be amended to identify the landlord as NTHC and the style of cause going forward will reflect that amendment.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing December 3, 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 respondents' rent account. All rents have been subsidized based on reported household income and the rent is currently assessed at \$75 per month. At the time of filing the application to a rental officer, the last two payments made against the respondents' rent account were recorded April 1, 2016, in the amount of \$230 and November 20, 2015, in the amount of \$155.

Since filing of the application to a rental officer the respondents have successfully paid their rental arrears in full. As a consequence, the applicant's representative withdrew the applicant's request for termination of the tenancy agreement and eviction, seeking only an order at this time for future rent to be paid on time.

I am satisfied the lease balance statement and lease ledger accurately represent the status of the respondents' rent account as of September 15, 2016. I am also satisfied based on the applicant's representative's testimony that the respondents have resolved their rental arrears to date. I find the respondents have repeatedly failed to pay their rent when due.

Order

An order will issue requiring the respondents to pay their future rent on time.

Adelle Guigon
Rental Officer