

IN THE MATTER between **NTHC**, Applicant, and **JP and EP**, 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-

JP and EP

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 14, 2017
<u>Place of the Hearing:</u>	Tuktoyaktuk, Northwest Territories
<u>Appearances at Hearing:</u>	LP, representing the applicant JP, respondent EP, respondent
<u>Date of Decision:</u>	February 14, 2017

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against JP and EP as the respondents/tenants was filed by the Rental Office October 6, 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 the filed application on the respondents October 13, 2016.

The applicant alleged the respondents have repeatedly failed to pay their rent, have failed to comply with a rental officer order, and have accumulated additional rental arrears. An order was sought for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for February 14, 2017, in Tuktoyaktuk, Northwest Territories. The rental officer appeared by telephone. LP appeared representing the applicant. JP and EP appeared as respondents.

Previous orders

Rental Officer Order Number 20-13491 dated August 1, 2013, required the respondents to pay rental arrears in the amount of \$15,724 in minimum monthly installments of \$100 starting in August 2013, and to pay their future rent on time.

Rental Officer Order Number 20-15021 dated March 30, 2016, rescinded Rental Officer Order Number 20-13491, ordered the respondents to pay rental arrears in the amount of \$16,614, and terminated the tenancy agreement June 30, 2016, unless the rental arrears were paid in full.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing April 30, 1979. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The lease ledgers 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 are currently assessed at \$325 per month. The last five payments made against the rent account were recorded: February 2, 2017, in the amount of \$190; January 24, 2017, in the amount of \$50; January 17, 2017, in the amount of \$50; January 16, 2017, in the amount of \$70; and January 5, 2017, in the amount of \$70.

The respondents did not dispute the accuracy of the landlord's accounting, acknowledging their substantial debt and taking responsibility for it. They claim to be making what efforts they can to comply with their obligation to pay rent and that the two other adult occupants have made some efforts to contribute. The respondents offered to commit to making an additional \$75 payment every month in addition to their monthly assessed rent to pay down the accumulated rental arrears.

The applicant's representative was receptive to imposing a minimum monthly installment plan on the respondents, however, she noted that the respondents have not been successful with previous agreements to pay that they have entered into. After some discussion reinforcing the importance of all adults occupying the rental premises to contribute to ensuring the full amount of rent is paid every month, the applicant's representative agreed to withdraw the request to terminate the tenancy agreement on the condition that an order for the respondents to make the minimum monthly installments be issued.

I am satisfied the lease ledgers accurately reflect the current status of the respondents' rent account. The balance of \$18,270.16 includes charges for damages in the amount of \$1,156.16 which were not applied for. The remaining balance of \$17,114 represents rental arrears accumulated to date, \$500 of which has been accumulated since Rental Officer Order Number 20-15021 was issued.

I find the respondents have failed to comply with Rental Officer Order Number 20-15021 to pay rental arrears in the amount of \$16,614 and to pay their future rent on time. I find the respondents have repeatedly failed to pay their rent in full and on time. I find the respondents have accumulated rental arrears since the last rental officer order was issued in the amount of \$500.

Orders

An order will issue: requiring the respondents to pay rental arrears in the amount of \$500; requiring the respondents to make minimum monthly installments of \$75, in addition to their monthly rent, starting in March 2017 and each month thereafter until the total rental arrears of \$17,114 are paid in full; and requiring the respondents to pay their rent on time in the future.

Adelle Guigon
Rental Officer