

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

SN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 27, 2017

Place of the Hearing: Deline, Northwest Territories

Appearances at Hearing: PK, representing the applicant

Date of Decision: April 27, 2017

REASONS FOR DECISION

An application to a rental officer made by DHA on behalf of the NTHC as the applicant/landlord against SN as the respondent/tenant was filed by the Rental Office February 20, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Deline, Northwest Territories. The applicant personally served the filed application on the respondent March 7, 2017.

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 April 27, 2017, in Deline, Northwest Territories. The rental officer appeared by telephone. PK appeared representing the applicant. SN was served notice of the hearing by registered mail signed for April 13, 2017. The respondent did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 20-11122 dated December 3, 2009: required SN and DM to pay rental arrears accumulated during their joint tenancy in the amount of \$4,856; required SN to pay rental arrears accumulated under her sole tenancy in the amount of \$1,974 in minimum monthly installments of \$100 starting in December 2009; and required SN to pay her future rent on time.

Rental Officer Order Number 20-11641 dated October 21, 2010, rescinded paragraph 2 of Rental Officer Order Number 20-11122 and required the respondent to pay rental arrears in the amount of \$7,000, and terminated the tenancy agreement November 30, 2010, unless the rental arrears were paid in full.

Rental Officer Order Number 20-12008 dated July 11, 2011: found the tenancy agreement with the respondent was terminated November 30, 2010, pursuant to Rental Officer Order Number 20-11641; required the respondent to pay rental arrears in the amount of \$1,817; required the respondent to pay overholding rental arrears in the amount of \$11,522.87 plus \$55.13 per day for each day the respondent remained in the rental premises in June 2011 after June 29, 2011, plus 53.35 per day for each day the respondent remained in the rental premises in July and August 2011; and evicted the respondent from the rental premises August 1, 2011.

Tenancy agreement

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2009. It was further established that the tenancy agreement previously found terminated November 30, 2011, had been reinstated and permitted to continue uninterrupted to date. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The tenant ledger cards and lease ledgers 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 subsidized and are currently assessed at \$70 per month. The last four payments received against the respondent's rent account were recorded: April 3, 2017, in the amount of \$70; March 1, 2017, in the amount of \$70; January 12, 2017, in the amount of \$70; and December 1, 2016, in the amount of \$70.

I am satisfied the tenant ledger cards and lease ledgers accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay the full amount of rent when due throughout the tenancy and has accumulated rental arrears in the amount of \$3,174.96. The amount of rental arrears effectively represent 45 months' of subsidized rent.

Termination of the tenancy agreement and eviction

In consideration of the respondent's repeatedly failure to pay her rent and the substantial amount of subsidized rental arrears accumulated, 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 \$3,174.96; terminating the tenancy agreement May 31, 2017; evicting the respondent from the rental premises June 1, 2017; and requiring the respondent to pay compensation for use and occupation in the amount of \$47.51 for each day she remains in the rental premises after May 31, 2017.

Adelle Guigon
Rental Officer