

IN THE MATTER between **NTHC**, Applicant, and **TLL and DJB**, 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-

TLL and DJB

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 4, 2017

Place of the Hearing: Behchoko, Northwest Territories

Appearances at Hearing: EN, representing the applicant
DJB, respondent

Date of Decision: May 4, 2017

REASONS FOR DECISION

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against TLL and DJB as the respondents/tenants was filed by the Rental Office March 1, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The filed application was personally served on the respondents April 6, 2017.

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, termination of the tenancy agreement, and eviction.

A hearing was scheduled for May 4, 2017, in Behchoko, Northwest Territories. EN appeared representing the applicant. DJB appeared as respondent and on behalf of TLL.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The lease balance statements, lease ledger, and statement of account entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondents' rent account. All rents have been subsidized and are currently assessed at \$75 per month. The last three payments received against the respondents' rent account were recorded: November 24, 2016, in the amount of \$225; August 24, 2016, in the amount of \$200; and June 29, 2016, in the amount of \$350.

The respondent did not dispute the accuracy of the landlord's accounting, accepting responsibility for the accumulated debt. The respondent indicated that his partner had been responsible for ensuring the rent was getting paid, but he would be taking over that responsibility going forward.

I am satisfied the lease balance statements, lease ledger, and statement of account accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the rent and have accumulated rental arrears in the amount of \$4,665.

Termination of the tenancy agreement and eviction

The applicant's representative proposed at hearing that a conditional termination and eviction order dependent on the respondents paying the rental arrears in full and paying their future rent on time could be entertained. The respondent was responsive to this proposal and confident that he could make the necessary payments by the end of October 2016, including paying the rent on time.

In consideration of the respondents' repeated failure to pay their rent and the substantial amount of rental arrears accumulated, and in consideration of the proposal agreed to by the parties, I am satisfied conditional termination and eviction dependent on the payment in full of the rental arrears and payment of future rent on time is both justified and reasonable.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$4,665;
- requiring the respondents to pay their rent on time in the future;
- terminating the tenancy agreement October 31, 2017, unless the rental arrears are paid in full and the rents for June to October are paid on time; and
- evicting the respondents from the rental premises November 1, 2017, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer