

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

CW

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 6, 2017

Place of the Hearing: Behchoko, Northwest Territories

Appearances at Hearing: TM, representing the applicant

Date of Decision: April 6, 2017

REASONS FOR DECISION

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against CW as the respondent/tenant was filed by the Rental Office January 4, 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 respondent January 13, 2017.

The applicant alleged the respondent had repeatedly failed to pay rent, had failed to comply with a rental officer order, and had accumulated rental arrears. An order was sought for payment of rental arrears, termination of the tenancy agreement, eviction, and compensation for use and occupation of the rental premises.

A hearing was scheduled for April 6, 2017, in Behchoko, Northwest Territories. TM appeared representing the applicant. CW was served notice of the hearing by registered mail signed for March 23, 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).

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties for subsidized public housing. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 10-8773 dated February 23, 2006, required the respondent to pay rental arrears in the amount of \$8,185 in minimum monthly installments of \$50 starting in March 2006, and to pay her future rent on time.

Rental Officer Order Number 10-13805 dated March 28, 2014, required the respondent to report the total household income in accordance with the terms of the written tenancy agreement.

Rental arrears

The lease balance statements, lease ledgers, and statement of account (documents) entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondent's rent account. All rents have been subsidized and are currently assessed at \$345 per month. No payments or insufficient payments were received in 14 of the last 16 months.

I am satisfied the documents accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay her rent, has repeatedly failed to comply with a rental officer order to pay her future rent on time, and has accumulated rental arrears in the amount of \$39,395.75.

Termination of the tenancy agreement and eviction

Although the respondent's repeated failure to pay her rent and the substantial amount of rental arrears justify termination of the tenancy agreement and eviction, in consideration of the respondent's circumstances as an elder and the apparent failure until recently of her adult children living with her to contribute to paying the monthly rent, termination and eviction will not be granted in order to provide the respondent with the opportunity to be counselled regarding her options for resolving the rental arrears and making her monthly rent payments in full and on time.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$39,395.75; and
- requiring the respondent to pay her future rent on time.

Adelle Guigon
Rental Officer