

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

**FR**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>June 13, 2017</b>
<b><u>Place of the Hearing:</u></b>	<b>Behchoko, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>BL, representing the applicant TM, representing the applicant FR, respondent</b>
<b><u>Date of Decision:</u></b>	<b>June 13, 2017</b>

**REASONS FOR DECISION**

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against FR as the respondent/tenant was filed by the Rental Office February 24, 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 April 6, 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, for future rent to be paid on time, for termination of the tenancy agreement, for eviction, and for compensation for use and occupation of the rental premises.

A hearing was scheduled for June 13, 2017, in Behchoko, Northwest Territories. BL and TM appeared representing the applicant. FR appeared as respondent.

*Tenancy agreement*

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing December 6, 2013. 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 and lease ledger 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 \$150 per month. Between January 2016 and June 2017, no payments were received in seven of the 18 months. The respondent has made substantial efforts to reduce his rental arrears balance since filing of this application.

The respondent did not dispute either the landlord's accounting or the amount of rental arrears claimed. The respondent acknowledged and took responsibility for his debt. The respondent explained that he had been laid off from work and was expecting employment insurance payments to commence shortly, with which he expects to be able to pay more than the assessed rent per month. The respondent made a commitment to pay at least \$600 per month to pay his monthly subsidized rent and his rental arrears.

I am satisfied the lease balance statements and lease ledger accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay his rent and has accumulated rental arrears in the amount of \$8,605.

*Termination of the tenancy agreement and eviction*

In light of the respondent's repeated failure to pay his rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the parties, the termination and eviction will be conditional on the respondent paying at least \$1,350 towards his rental arrears by the end of September and paying his future rent on time.

*Orders*

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$8,605;
- requiring the respondent to pay his future rent on time;
- terminating the tenancy agreement September 30, 2017, unless at least \$1,350 is paid towards the rental arrears and the rents for July, August, and September are paid on time; and
- evicting the respondent from the rental premises October 1, 2017, if the termination of the tenancy agreement becomes effective.

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Adelle Guigon  
Rental Officer