

IN THE MATTER between **NTHC**, Applicant, and **TS and BW**, 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-

**TS and BW**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>May 4, 2017</b>
<b><u>Place of the Hearing:</u></b>	<b>Behchoko, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>EN, representing the applicant TS, respondent BW, respondent</b>
<b><u>Date of Decision:</u></b>	<b>May 4, 2017</b>

### **REASONS FOR DECISION**

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against TS and BW 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, for future rent to be paid on time, and for conditional termination of the tenancy agreement and eviction.

A hearing was scheduled for May 4, 2017, in Behchoko, Northwest Territories. EN appeared representing the applicant. TS and BW appeared as respondents.

#### *Tenancy agreement*

The parties agreed and evidence was presented establishing a residential tenancy agreement between them 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 payment made against the respondents' rent account. All rents have been subsidized and are currently assessed at \$75 per month. The last payment received against the rent account was recorded August 24, 2016, in the amount of \$75.

The respondents did not dispute the accuracy of the landlord's accounting, acknowledging their debt and accepting responsibility for it. A commitment was made to prioritize the payment of their rent.

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 their rent and have accumulated rental arrears in the amount of \$3,612.44.

*Termination of the tenancy agreement and eviction*

IN light of the respondents' repeated failure to pay their rent and the substantial amount of rental arrears, I am satisfied termination of the tenancy agreement and eviction are justified. The applicant's representative proposed a conditional termination and eviction order dependent on the respondents paying at least \$3,000 towards their rental arrears and paying their future rent on time. The respondents were receptive to this proposal. I am satisfied the proposed conditional termination and eviction order is reasonable and justified.

*Orders*

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$3,612.44;
- requiring the respondents to pay their future rent on time;
- terminating the tenancy agreement August 31, 2017, unless at least \$3,000 is paid towards the rental arrears and the rents for June, July, and August are paid on time; and
- evicting the respondents from the rental premises September 1, 2017, if the termination of the tenancy agreement becomes effective.

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Adelle Guigon  
Rental Officer