

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

AY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 28, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: AB, representing the applicant

Date of Decision: June 28, 2017

REASONS FOR DECISION

An application to a rental officer made by YHA on behalf of the NTHC as the applicant/landlord against AY as the respondent/tenant was filed by the Rental Office April 5, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was served on the respondent by email deemed received April 22, 2017, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

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

A hearing was scheduled for June 28, 2017, in Yellowknife, Northwest Territories. AB appeared representing the applicant. AY was served notice of the hearing by email deemed received June 15, 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 commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Rental Officer Order Number 10-13787 dated November 26, 2013, required the respondent to pay rental arrears in the amount of \$2,460 in minimum monthly installments of \$300 starting in November 2013, required the respondent to pay her future rent on time, and required the respondent to comply with her obligation to report her household income in accordance with the terms of her tenancy agreement and not to breach that obligation again.

Rental Officer Order Number 10-14406 dated November 20, 2014, required the respondent to pay rental arrears in the amount of \$2,338 and terminated the tenancy agreement January 31, 2015, unless the rental arrears were paid in full and the monthly rent was paid on time.

Rental arrears

The statements of account 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 \$890 per month. The last four payments received against the respondent's rent account were recorded: March 1, 2017, in the amount of \$735; February 27, 2017, in the amount of \$610; January 27, 2017, in the amount of \$800; and October 7, 2016, in the amount of \$300.

I am satisfied the statements of account accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to comply with a rental officer order to pay her future rent on time. I find the respondent has repeatedly failed to pay her rent on time and in full. I find the respondent has accumulated rental arrears in the amount of \$7,425.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay her rent and the substantial amount of 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 \$7,425;
- terminating the tenancy agreement July 15, 2017;
- evicting the respondent from the rental premises July 16, 2017; and
- requiring the respondent to pay compensation for use and occupation of the rental premises at a rate of \$53.42 for each day the respondent remains in the rental premises after July 15, 2017.

Adelle Guigon
Rental Officer