

IN THE MATTER between **NTHC**, Applicant, and **JN and DN**, 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-

JN and DN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 27, 2017

Place of the Hearing: Tuktoyaktuk, Northwest Territories

Appearances at Hearing: LP, representing the applicant

Date of Decision: July 27, 2017

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against JN and DN as the respondents/tenants was filed by the Rental Office May 10, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Tuktoyaktuk, Northwest Territories. The filed application was personally served on the respondents May 18, 2017.

The applicant alleged the respondents had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of rental arrears and termination of the tenancy agreement.

A hearing was scheduled for July 27, 2017, in Tuktoyaktuk, Northwest Territories. The Rental Officer appeared by telephone. LP appeared representing the applicant. JN and DN were sent notice of the hearing by registered mail deemed served July 13, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). The respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the respondents' absence pursuant to section 80(2) of the Act.

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement between the parties commencing August 1, 2014. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The lease ledgers entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. All rents have been subsidized and are currently assessed at \$555 per month. The last three payments received against the rent account were recorded: June 23, 2017, in the amount of \$800; December 14, 2016, in the amount of \$1,110; and October 7, 2016, in the amount of \$1,150.

I am satisfied the lease ledger accurately reflects the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the rent when due and have accumulated rental arrears in the amount of \$1,530.

Termination of the tenancy agreement and eviction

In light of the respondents' repeated failure to pay their rent and the substantial amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the applicant's representative, the termination and eviction will be conditional on the payment in full of the rental arrears and payment of future rent on time.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$1,530;
- 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 August, September, and 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