

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

CN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 20, 2017

Place of the Hearing: Hay River, Northwest Territories

Appearances at Hearing: AS, representing the applicant

Date of Decision: April 20, 2017

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against CN as the respondent/tenant was filed by the Rental Office January 11, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The filed application was served on the respondent by registered mail signed for January 30, 2017.

The applicant alleged the respondent had repeatedly disturbed the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex, and had failed to pay the full amount of her security deposit. An order was sought for payment of the outstanding security deposit, compliance with the respondent's obligation not to cause disturbances, termination of the tenancy agreement, and eviction.

A hearing was scheduled for April 20, 2017, in Hay River, Northwest Territories. The Rental Officer appeared by telephone. AS appeared representing the applicant. CN was sent notice of the hearing by registered mail deemed served April 7, 2017, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). 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 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 15, 2016. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears and security deposit

The statements of account, client aged details, and tenant ledger card (documents) entered into evidence represent the landlord's accounting of monthly assessed rents, security deposits applied, and payments received against the respondent's accounts. All rents have been subsidized and are currently assessed at \$365 per month.

The applicant's representative testified that since filing of the application the respondent had successfully paid the security deposit in full. Although the application did not reference rental arrears, the provided evidence confirms the applicant's representative's testimony that the respondent had repeatedly failed to pay the full amount of subsidized rent when it was due. Under the circumstances, the applicant's representative requested an order that the respondent pay her future rent on time.

I am satisfied the documents accurately reflect the current status of the respondent's security deposit and rent accounts. I find the respondent has successfully paid the full amount of her security deposit. I find the respondent has failed to pay the full amount of her rent when due.

Disturbances

The applicant's representative testified and provided evidence establishing disturbances in the nature of yelling and partying at all hours originating from the respondent's rental premises between October 23 and December 25, 2016. The applicant's representative confirmed that since filing of the application no more complaints of disturbances have been received by the landlord. As a result, the applicant's representative withdrew the request for termination of the tenancy agreement and eviction, seeking only an order that the respondent comply with her obligation not to cause disturbances.

I am satisfied there was a period during which the respondent was responsible for causing disturbances and I find the respondent has breached her obligation not to disturb the landlord's and other tenants' enjoyment and possession of the rental premises and residential complex.

Orders

An order will issue:

- requiring the respondent to pay her rent on time in the future; and
- requiring the respondent to comply with her obligation not to disturb the landlord's or other tenants' enjoyment or possession of the rental premises and residential complex, and not to breach that obligation again.

Adelle Guigon
Rental Officer