

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

JL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 6, 2017

Place of the Hearing: Fort Smith, Northwest Territories

Appearances at Hearing: CS, representing the applicant

Date of Decision: July 6, 2017

REASONS FOR DECISION

An application to a rental officer made by FSHA on behalf of the NTHC as the applicant/landlord against JL was filed by the Rental Office April 12, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort Smith, Northwest Territories. The respondent was served the filed application by registered mail signed for May 9, 2017.

The applicant alleged the respondent had accumulated rental arrears and an order was sought for payment.

A hearing was scheduled for July 6, 2017, in Fort Smith. CS appeared representing the applicant. JL was sent notice of the hearing by registered mail deemed served June 21, 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 his 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 July 22, 2013. The respondent vacated the rental premises, ending the tenancy agreement February 10, 2017. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Previous orders

Rental Officer Order Number 15188 dated November 16, 2016, required the respondent to pay rental arrears accumulated as of October 4, 2016, in the amount of \$3,360, required the respondent to pay his future rent on time, terminated the tenancy agreement January 31, 2017, unless the respondent reported his household income for the months of December 2015 to September 2016, the rents for November, December, and January were paid on time, and at least \$400 was paid towards the rental arrears, and evicted the respondent from the rental premise February 1, 2017, if the termination of the tenancy became effective.

Rental arrears

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondent's rent account. The respondent appears to have complied with the above mentioned requirement to report his household income as all rents to date have been subsidized and were last assessed at \$365 per month. The last payment made by or on behalf of the respondent against the rent account was recorded October 29, 2016, in the amount of \$365 – this payment was applied against Rental Officer Order Number 15188. Two payments garnished from the respondent's CRA account were received May 10, 2017, in the amount of \$436.73 and April 11, 2017, in the amount of \$105.25 – these were applied against rental Officer Order Number 15188. The security deposit was first retained against costs of cleaning the rental premises after the tenancy was terminated, with the remaining security deposit balance of \$795.04 being retained against the rental arrears accumulated since the last rental officer order.

I am satisfied the lease balance statements 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 remaining amount of \$299.96.

Order

An order will issue requiring the respondent to pay rental arrears in the amount of \$299.96.

Adelle Guigon
Rental Officer