

IN THE MATTER between **NTHC**, Applicant, and **LK and DB**, 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-

LK and DB

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 27, 2017

Place of the Hearing: Fort Liard, Northwest Territories

Appearances at Hearing: EM, representing the applicant

Date of Decision: July 27, 2017

REASONS FOR DECISION

An application to a rental officer made by FLHA on behalf of the NTHC as the applicant/landlord against LK and DB 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 Fort Liard, Northwest Territories. The filed application was served on the respondents by registered mail signed for June 15, 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, payment of future rent on time, and termination of the tenancy agreement.

A hearing was scheduled for July 27, 2017, in Fort Liard, Northwest Territories. The Rental Officer appeared by telephone. EM appeared representing the applicant. LK and DB were sent notice of the hearing by registered mail deemed served July 17, 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 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 10-12926 dated June 28, 2012, required the respondents to pay rental arrears in the amount of \$6,068 and to pay their future rent on time.

Rental Officer Order Number 10-13027 dated December 3, 2012, required the respondents to pay rental arrears in the amount of \$4,654 and to pay their future rent on time.

Rental Officer Order Number 10-14314 dated January 9, 2015, required the respondents to pay rental arrears in the amount of \$8,934 in minimum monthly installments of \$250 starting in January 2015, to pay their future rent on time, and to report their household income as required under paragraph 6 of their written tenancy agreement. Despite the respondents failing to pay the minimum monthly installments ordered, the rental arrears were successfully paid in full by February 2016.

Rental arrears

The lease balance statements 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 were assessed at \$580 per month for the July 2016 to June 2017 period. The July 2017 to June 2018 period has been re-assessed at \$345 per month. No payments or insufficient payments were received in 11 of the last 18 months.

I am satisfied the lease balance statements accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay their rent, have repeatedly failed to comply with a rental officer order to pay their future rent on time, and have accumulated rental arrears in the amount of \$5,654.

Termination of the tenancy agreement and eviction

In light of the respondents' repeated failure to pay their rent, the amount of rental arrears accumulated, and the respondents' repeated pattern of similar historical behaviour, 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 respondents paying the rental arrears in full and paying their future rent on time.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$5,654;
- 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