

IN THE MATTER between **NTHC**, Applicant, and **RF and RI**, 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-

RF and RI

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 3, 2017

Place of the Hearing: Fort McPherson, Northwest Territories

Appearances at Hearing: SW, representing the applicant

Date of Decision: August 3, 2017

REASONS FOR DECISION

An application to a rental officer made by FMHA on behalf of the NTHC as the applicant/landlord against RF and RI as the respondents/tenants was filed by the Rental Office May 15, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort McPherson, Northwest Territories. The filed application was served on the respondents by registered mail signed for May 24, 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, termination of the tenancy agreement, eviction, and compensation for use and occupation of the rental premises.

A hearing was scheduled for August 3, 2017, in Fort McPherson, Northwest Territories. The Rental Officer appeared by telephone. SW appeared representing the applicant. RF and RI were served notices of the hearing by registered mail signed for July 19, 2017. 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 *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 March 18, 2016. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondents' rent account. All rents have been subsidized and are currently assessed at \$70 per month. The last payment received against the rent account was recorded March 6, 2017, in the amount of \$400.

I am satisfied the lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondents have repeatedly failed to pay their rent and have accumulated rental arrears in the amount of \$485.

Termination of the tenancy agreement and eviction

The applicant's representative testified that the respondents had given verbal notice of their intention to vacate the rental premises, from which an exit inspection had been scheduled for August 2, 2017. The respondents were not ready on August 2nd and indicated they would be moved out by the end of the day on August 3rd (the date of this hearing).

In light of the respondents' repeated failure to pay their rent and the amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. As the notice the respondents provided the applicant was verbal and the tenants have not as yet actually vacated the rental premises, the tenancy agreement has not effectively been either terminated in accordance with the Act or abandoned. Therefore, an order to terminate the tenancy agreement will issue effective August 3rd and an eviction order will issue to take effect August 15th. The eviction order is being issued in the event the tenants do not vacate as expected. An order for the tenants to pay compensation for use and occupation of the rental premises for each day they remain in the premises after August 3rd will also issue.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$485;
- terminating the tenancy agreement August 3, 2017;
- evicting the respondents from the rental premises August 15, 2017; and
- requiring the respondents to pay compensation for use and occupation of the rental premises at a rate of \$47.50 for each day they remain in the rental premises after August 3, 2017.

Adelle Guigon
Rental Officer