

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

WK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 31, 2017

Place of the Hearing: Aklavik, Northwest Territories

Appearances at Hearing: FE, representing the applicant
RR, representing the applicant

Date of Decision: August 31, 2017

REASONS FOR DECISION

An application to a rental officer made by AHA on behalf of the NTHC as the applicant/landlord against WK as the respondent/tenant was filed by the Rental Office June 26, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Aklavik, Northwest Territories. The filed application was served on the respondent by registered mail signed for July 20, 2017.

The applicant alleged the respondent had repeatedly failed to pay his rent on time and had accumulated rental arrears. An order was sought for payment of the rental arrears, payment of future rent on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for August 31, 2017, in Aklavik. The Rental Officer appeared by telephone. FE and RR appeared representing the applicant. WK was served notice of the hearing by registered mail signed for July 20, 2017. The respondent did not appear at the hearing, nor did anyone appear on the respondent's behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and evidence was provided 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.

Rental arrears

The statements of account and lease balance statements (statements) entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondent's rent account. All rents have been subsidized and are currently assessed at \$555 per month. No payments or insufficient payments were received in 9 of the last 18 months of the tenancy.

I am satisfied the statements accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay his rent in full when due and has accumulated rental arrears in the amount of \$1,830.

Termination of the tenancy agreement and eviction

The applicant's representative testified the respondent works occasionally for the AHA and when he does payments are automatically deducted from his bi-weekly paycheques. However, the respondent does not always work and that is when he fails to pay his rent and accumulates arrears. Additionally, the respondent has never requested adjustments to his monthly rent subsidy to account for his varied monthly income.

In consideration of the respondent's repeated failure to pay his rent and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. The applicant's representative agreed that a conditional termination and eviction order dependent on the respondent paying at least a portion of the rental arrears and paying his monthly rent on time would be appropriate in the circumstances.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$1,830;
- requiring the respondent to pay his rent on time in the future;
- terminating the tenancy agreement November 30, 2017, unless at least \$915 is paid towards the rental arrears and the rents for September, October, and November 2017 are paid on time; and
- evicting the respondent from the rental premises December 1, 2017, if the termination of the tenancy becomes effective.

Adelle Guigon
Rental Officer