

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

LN

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 11, 2017
<u>Place of the Hearing:</u>	Tulita, Northwest Territories
<u>Appearances at Hearing:</u>	SD, representing the applicant
<u>Date of Decision:</u>	October 11, 2017

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against LN as the respondent/tenant was filed by the Rental Office July 10, 2017. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Tulita, Northwest Territories. The filed application was served on the respondent by registered mail signed for September 27, 2017.

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

A hearing was scheduled for October 11, 2017, in Tulita. The Rental Officer appeared by telephone. SD appeared representing the applicant. LN was served notice of the hearing by registered mail signed for September 27, 2017. 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 *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing December 9, 2013. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Rental Officer Order Number 20-14563 dated April 7, 2015, required the respondent to pay rental arrears in the amount of \$7,278, required the respondent to pay her future rent on time, required the respondent to report her household income as required, and terminated the tenancy agreement June 30, 2015, unless the rental arrears were paid in full, monthly rents were paid on time, and household income was reported for March to May 2015.

Rental Officer Order Number 15150 dated July 18, 2016, required the respondent to pay rental arrears in the amount of \$1,398.64, required the respondent to pay her future rent on time, required the respondent to pay total rental arrears of \$8,676.64 in minimum monthly installments of \$175 starting in July 2016, terminated the tenancy agreement September 30, 2016, unless the minimum monthly installments and monthly rents were paid on time, and evicted the respondent from the rental premises October 1, 2016, 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. All rents up to and including for June 2017 have been subsidized; the rent for June 2017 was assessed at \$325. All rents since July 2017 have been assessed the maximum monthly rent of \$1,445. The applicant's representative testified this was the case because the respondent has failed to report her income for the 2016 calendar year in accordance with the landlord's requirements under paragraph 6 of the written tenancy agreement. The last payment received against the rent account was recorded November 29, 2016, in the amount of \$204.91.

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 her rent. I find the respondent has repeatedly failed to comply with two rental officer orders directing her to pay rental arrears and to pay her future rent on time. I find the respondent has accumulated rental arrears in the amount of \$16,151.73. Given that the two prior rental officer orders both remain enforceable, an order for payment of rental arrears will account for rental arrears accumulated since June 29, 2016.

Termination of the tenancy agreement and eviction

In consideration of the respondent's repeated failure to pay her rent and comply with a rental officer order, and of the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- rescinding paragraph 3 of Rental Officer Order Number 15150;
- requiring the respondent to pay rental arrears in the amount of \$7,475.09;
- terminating the tenancy agreement October 31, 2017;
- evicting the respondent from the rental premises November 1, 2017; and
- requiring the respondent to compensate the applicant for use and occupation of the rental premises at a rate of \$47.51 for each day the respondent remains in the rental premises after October 31, 2017.

Adelle Guigon
Rental Officer