

IN THE MATTER between **NTHC**, Applicant, and **SM and JA**, 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-

SM and JA

Respondents/Tenants

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 SM and JA as the respondents/tenants 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 respondents by registered mail signed for September 29, 2017.

The applicant alleged the respondents had repeatedly failed to pay their rent 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 October 11, 2017, in Tulita. The Rental Officer appeared by telephone. SD appeared representing the applicant. SM and JA were served notice of the hearing by registered mail signed for September 29, 2017. Neither of the respondents appeared 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 presented evidence establishing a residential tenancy agreement between the parties for subsidized public housing commencing March 27, 2012. 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 made against the respondents' rent account. All rent has been subsidized and is currently assessed at \$555 per month. The last payment received against the rent account was recorded December 3, 2015.

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 and have accumulated rental arrears in the amount of \$13,265.93.

Termination of the tenancy agreement and eviction

In consideration of the respondents' repeated failure to pay their rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. The applicant indicated that since the landlord had not actively pursued resolution of the respondent's failure to pay rental arrears until now they would only seek a conditional termination order. It was agreed the condition to be met by the respondents to avoid termination and eviction would be to have at least \$350 paid towards the rental arrears by the end of January 2018 and to have paid their rents for November, December, and January on time.

Orders

An order will issue

- requiring the respondents to pay rental arrears in the amount of \$13,265.93;
- requiring the respondents to pay their future rent on time;
- terminating the tenancy agreement January 31, 2018, unless at least \$350 is paid towards the rental arrears and the rents for November, December, and January are paid on time; and
- evicting the respondents from the rental premises February 1, 2018, if the termination of the tenancy becomes effective.

Adelle Guigon
Rental Officer