

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

SEC

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 13, 2017

Place of the Hearing: Tuktoyaktuk, Northwest Territories

Appearances at Hearing: LP, representing the applicant

Date of Decision: December 13, 2017

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against SEC as the respondent/tenant was filed by the Rental Office September 22, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Tuktoyaktuk, Northwest Territories. The filed application was personally served on the respondent October 16, 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 and termination of the tenancy agreement.

A hearing was scheduled for December 13, 2017, in Tuktoyaktuk. LP appeared representing the applicant. SEC was personally served notice of the hearing October 16, 2017. The respondent did not appear at the hearing, nor did anyone appear on his behalf. The hearing proceeded in the respondent's absence pursuant to subsection 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 February 3, 2012. The tenancy agreement identified SEC and Janice Diane Smith as joint tenants, however, the applicant's representative confirmed that Janice Diane Smith moved out of the rental premises in early September 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The lease ledgers entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. All rents have been subsidized and are currently assessed at \$555 per month. Either insufficient payments or no payments were received in six of the last 12 months of the tenancy.

I am satisfied the lease ledgers 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 \$1,801.86.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay his rent in full and the amount of rental arrears accumulated, I am satisfied conditional termination of the tenancy agreement and eviction dependent on payment of the rental arrears in full and payment of future rent on time are justified.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$1,801.86;
- requiring the respondent to pay his rent on time in the future;
- terminating the tenancy agreement March 31, 2018, unless the rental arrears are paid in full and the rents for January, February, and March are paid on time; and
- evicting the respondent from the rental premises April 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer