

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

MM

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 30, 2018
<u>Place of the Hearing:</u>	Hay River, Northwest Territories
<u>Appearances at Hearing:</u>	AS, representing the applicant
<u>Date of Decision:</u>	January 30, 2018

REASONS FOR DECISION

An application to a rental officer made by HRHA on behalf of the NTHC as the applicant/landlord against MM as the respondent/tenant was filed by the Rental Office October 24, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Hay River, Northwest Territories. The filed application was served on the respondent by registered mail deemed served December 25, 2017, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act).

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

A hearing was scheduled for January 30, 2018, in Hay River. AS appeared representing the applicant. MM was served notice of the hearing by registered mail deemed served December 25, 2017, pursuant to subsection 71(5) of the Act, and by email confirmed received January 26, 2018. 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 subsection 80(2) of 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 July 1, 2016. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous order

Rental Officer Order Number 15517 dated July 17, 2017, ordered the respondent to pay her future rent on time.

Rental arrears

The statements of account and client aged details (rent documents) 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 \$160 per month. Either no payments or insufficient payments were received in nine of the last 12 months of the tenancy.

I am satisfied the rent documents accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay rent, has repeatedly failed to comply with a rental officer order to pay future rent on time, and has accumulated rental arrears in the amount of \$620.

Termination of the tenancy agreement and eviction

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

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$620;
- requiring the respondent to pay her rent on time in the future;
- terminating the tenancy agreement April 30, 2018, unless the rental arrears are paid in full and the rents for February, March, and April are paid on time; and
- evicting the respondent from the rental premises May 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer