

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

BL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 6, 2018

Place of the Hearing: Behchoko, Northwest Territories

Appearances at Hearing: BL, representing the applicant

Date of Decision: March 6, 2018

REASONS FOR DECISION

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against BL as the respondent/tenant was filed by the Rental Office November 10, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Edzo, Behchoko, Northwest Territories. The filed application was personally served on the respondent January 9, 2018.

The applicant alleged the respondent had repeatedly failed to pay 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 March 6, 2018, in Behchoko. BL appeared representing the applicant. BL was personally served notice of the hearing January 9, 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 market rental housing commencing March 1, 2016. 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 received against the respondent's rent account. Rent was established at \$1,250 per month. Either insufficient payments or no payments were received in seven of the last 12 months of the tenancy.

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 his rent in full when due and has accumulated rental arrears in the amount of \$5,275.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay his rent when due and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, given the respondent's recent efforts to pay his monthly rent in full and reduce the amount accumulated rental arrears, by agreement with the applicant's representative I am satisfied that a conditional termination and eviction order dependent on the payment in full of the rental arrears and payment of future rent on time is reasonable.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$5,275;
- requiring the respondent to pay his future rent on time;
- terminating the tenancy agreement June 30, 2018, unless the rental arrears are paid in full and the rents for April, May, and June are paid on time; and
- evicting the respondent from the rental premises July 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer