

IN THE MATTER between **NTHC**, Applicant, and **BA-K**, 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-

**BA-K**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>March 7, 2018</b>
<b><u>Place of the Hearing:</u></b>	<b>Aklavik, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>FE, representing the applicant BA-K, respondent DG, on behalf of the respondent</b>
<b><u>Date of Decision:</u></b>	<b>March 7, 2018</b>

### **REASONS FOR DECISION**

An application to a rental officer made by AHA on behalf of the NTHC as the applicant/landlord against B-AK and DG as the respondents/tenants was filed by the Rental Office November 20, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Aklavik, Northwest Territories. The filed application was served on the respondents by registered mail signed for December 28, 2017.

The applicant alleged the respondents 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 7, 2018, in Aklavik. The Rental Officer appeared by telephone. FE appeared representing the applicant. BA-K and DG appeared as respondents.

#### *Preliminary matter*

The application to a rental officer identified the respondents as B-AK and DG. The written tenancy agreement identified the sole tenant as BSK-A. The sole tenant identified herself as BA-K at hearing. I am satisfied that the sole tenant to the tenancy agreement is BA-K and that her name should be as she has identified herself. The application to a rental officer will be amended to remove DG as a respondent and to reflect BA-K as the sole respondent/tenant. The style of cause going forward will also identify BA-K as the sole respondent/tenant.

#### *Tenancy agreement*

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

*Rental arrears*

The statements of account 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 \$555 per month. The last payment recorded in the statement of account was received January 31, 2018, in the amount of \$1,205.

The respondent did not dispute that she has accumulated rental arrears, but believes the subsidized rent has been assessed higher than it should be. The household taxes have been completed for the relevant years, which have been used by the applicant to calculate the rent subsidies the respondent is eligible for in accordance with subsidized public housing policies. The respondent argued that she and her partner did not work in 2017, and that the respondent only started working part time recently, and that the rent subsidies should reflect those realities. The respondent testified that she has accessed Income Support and it was her understanding that they were paying the \$555 per month rent on her behalf since November 2017. The respondent was able to make a commitment to pay at least \$100 per month in addition to the monthly subsidized rent to go towards the accumulated rental arrears. I believe it is prudent to note that despite who is making payments to the rent account on behalf of the respondent, it remains the respondent's responsibility to make sure the rent is getting paid in full and on time.

The applicant's representative confirmed that it is the tenant's responsibility to report any changes to the household income. Once documentation supporting the claimed changes have been received they are forwarded to the appropriate personnel to determine whether or not the subsidies should be re-assessed for the current year. That process does take time to complete. The respondent agreed that she only just reported the change in the household income to the applicant within the last three months, despite the change having started much earlier in the calendar year.

I am satisfied that the applicant has calculated eligible subsidies for the respondent based on the CRA income tax returns for 2016 for the household occupants, as is the established practice and policy. I have no evidence at this time to support that the current subsidized rent amount should be any different than what it is. The applicant will apply any changes the respondent is eligible for once they have reviewed the respondent's application to re-assess her rent subsidies based on current actual household income. At any rate, if the respondent disagrees with the applicant's assessment of the rent subsidies the appropriate avenue to challenge those calculations is through the applicant's internal appeal process. In the meantime, I am satisfied that the subsidized rent as reflected in the statements of account is accurate.

I am satisfied that the statements of account accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay the full amount of rent when due and has accumulated rental arrears in the amount of \$4,765. Those rental arrears represent approximately nine months' subsidized rent.

*Termination of the tenancy agreement and eviction*

In light of the respondent's repeated failure to pay her rent and the substantial amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, in consideration of the recent apparent support of the Income Support to pay the subsidized rent, the respondent's commitment to pay an additional \$100 per month towards the rental arrears, and the respondent's active application to retroactively re-assess her monthly subsidized rent, the applicant's representative agreed that a conditional termination and eviction order dependent on payment of future rent on time and at least \$300 being paid towards the rental arrears would be reasonable.

*Orders*

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$4,765;
- requiring the respondent to pay her future rent on time;
- terminating the tenancy agreement June 30, 2018, unless at least \$300 is paid towards the rental arrears 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.

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Adelle Guigon  
Rental Officer