

IN THE MATTER between **NTHC**, Applicant, and **CM and JM**, 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-

CM and JM

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: March 7, 2018

Place of the Hearing: Aklavik, Northwest Territories

Appearances at Hearing: FE, representing the applicant
MRM, representing the applicant

Date of Decision: March 7, 2018

REASONS FOR DECISION

An application to a rental officer made by AHA on behalf of the NTHC as the applicant/landlord against CM and JM 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 13, 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 and MRM appeared representing the applicant. CM and JM were served notices of the hearing by registered mail signed for December 13, 2017. The respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the respondents' absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer identified the respondents/tenants as CM and JM. The written tenancy agreement identified the tenants as CEG and JM. The applicant's representatives confirmed that the respondents were married approximately a year ago and that CEG changed her name to CM. They also confirmed that C is the correct spelling of the respondent's first name. I accept the applicant's representatives' explanations. The application to a rental officer will be amended to reflect the correct spelling of CM's first name.

Tenancy agreement

The applicant's representatives testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing July 10, 2013. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The statements of account entered into evidence represent the landlord's accounting of assessed monthly rent and payments received against the respondent's rent account. The rents since July 2017 have been assessed at the maximum rent of \$1,445 per month due to the respondents' total household income exceeding the income threshold for subsidized rent. The last payment recorded in the statements of account is dated March 1, 2018, in the amount of \$1,000.

I am satisfied the statements of account accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$10,405.

Termination of the tenancy agreement and eviction

In light of the respondents' repeatedly 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. With the applicant's representatives' agreement, I am satisfied conditional termination and eviction orders dependent on the respondents paying a minimum portion of the rental arrears and paying their future rent on time is reasonable.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$10,405;
- requiring the respondents to pay their rent on time in the future;
- terminating the tenancy agreement June 30, 2018, unless at least \$3,000 is paid towards the rental arrears and the rents for April, May, and June are paid on time; and
- evicting the respondents from the rental premises July 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer