

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

SCR

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 20, 2018

Place of the Hearing: Tuktoyaktuk, Northwest Territories

Appearances at Hearing: LP, representing the applicant

Date of Decision: March 20, 2018

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against SCR as the respondent/tenant was filed by the Rental Office November 21, 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 December 12, 2017.

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

A hearing was scheduled for March 20, 2018, in Tuktoyaktuk. The Rental Officer appeared by telephone. LP appeared representing the applicant. SCR was personally served notice of the hearing December 12, 2017. 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 *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 November 1, 2011. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous order

Rental Officer Order Number 15429 issued March 7, 2017, required the respondent to pay rental arrears in the amount of \$8,332; required the respondent to pay her future rent on time; terminated the tenancy agreement June 30, 2017, unless the rents for April, May, and June were paid on time; and evicted the respondent from the rental premises July 1, 2017, if the termination of the tenancy agreement became effective. The applicant chose not to enforce the termination and eviction orders. The monetary order remains enforceable until March 2020.

Rental arrears

The lease ledgers 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. Either insufficient payments or no payments were received against the respondent's rent account in 10 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 the full amount of rent when due, has repeatedly failed to comply with a rental officer order to pay future rent on time, and has accumulated rental arrears totalling \$12,499 of which \$4,167 has been accumulated since the last rental officer order was issued.

Termination of the tenancy agreement and eviction

In light of the respondent's continued repeated failure to pay her rent and the substantial amount of subsidized rental arrears accumulated, and there being no improvement in the respondent's historical pattern of behaviour since the last rental officer order was issued, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- requiring the respondent to pay rental arrears accumulated since the last rental officer order was issued in the amount of \$4,167;
- terminating the tenancy agreement March 31, 2018;
- evicting the respondent from the rental premises April 30, 2018; and
- requiring the respondent to pay compensation for use and occupation of the rental premises at a rate of \$47.51 for each day the respondent remains in the rental premises after March 31, 2018, to a maximum of \$1,445 per month.

Adelle Guigon
Rental Officer