

IN THE MATTER between **NTHC**, Applicant, and **PA and EA**, 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-

PA and EA

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
PA, respondent

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 PA and EA 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 12, 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. PA appeared as respondent and on behalf of EA.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between the parties 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 respondents' rent account. All rents have been subsidized and are currently assessed at \$555 per month. The last payment received against the rent account was recorded March 5, 2018, in the amount of \$500.

The respondent did not dispute the accuracy of the landlord's accounting, acknowledging the debt and accepting responsibility for it. He indicated that he has started working part-time and the respondents expect to be able to make partial payments to pay off the rental arrears and pay their rent in full going forward.

I am satisfied the statements of account accurately reflect the current status of the respondents' rent account. I find the respondents have failed to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$1,200. The amount of rental arrears effectively represents approximately 2.2 months' rent.

Termination of the tenancy agreement and eviction

The statements of account do not provide sufficient information to establish a historical pattern of payments against the respondents' rent account. As such, while I am satisfied that the respondents have failed to pay their rent in full when due, I cannot be satisfied that the respondents have *repeatedly* failed to pay their rent in full when due. These respondents have not been brought before a rental officer before. Under the circumstances, I am not satisfied that termination of this subsidized public housing tenancy agreement and eviction are justified.

Orders

An order will issue requiring the respondents to pay rental arrears in the amount of \$1,200, and requiring the respondents to pay their future rent on time.

Adelle Guigon
Rental Officer