

IN THE MATTER between **NTHC**, Applicant, and **TEJ and HC**, 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-

TEJ and HC

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	March 20, 2018
<u>Place of the Hearing:</u>	Tuktoyaktuk, Northwest Territories
<u>Appearances at Hearing:</u>	LP, representing the applicant TEJ, respondent HC, respondent
<u>Date of Decision:</u>	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 TEJ and HC as the respondents/tenants 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 respondents December 12, 2017.

The applicant alleged the respondents had repeatedly failed to pay rent, had accumulated rental arrears, and had failed to comply with a rental officer order to pay their future rent on time. An order was sought for payment of the 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. TEJ and HC appeared as respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing June 16, 1999. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 20-13517 issued July 18, 2013, required the respondents to pay rental arrears in the amount of \$8,083.56 in minimum monthly installments of \$50 starting in July 2013, and required the respondents to pay their future rent on time.

Rental Officer Order Number 20-15012 issued March 3, 2016, rescinded paragraph 1 of Rental Officer Order Number 20-13517, required the respondents to pay rental arrears in the amount of \$9,851.90, and terminated the tenancy agreement June 30, 2016, unless the rental arrears were paid in full.

Rental arrears

The lease ledgers 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. Either insufficient payments or no payments were received in 11 of the last 12 months of the tenancy. The current balance of rental arrears has been accumulated entirely since the last rental officer order was issued.

The respondents did not dispute the accuracy of the landlord's accounting, acknowledging their debt and accepting responsibility for it. They explained that TEJ has not been working since August 2017 due to medical issues for which he has been attempting to obtain disability payments. The applicant was not notified of this issue until October 2017. The applicant's representative has been given the impression from the NTHC that retroactive re-assessments of subsidies based on changes to current household income will not be considered regardless of the effect those changes have on a tenant's ability to pay the subsidized rent amount. It was recommended at hearing that the respondents continue their attempts to have the subsidized rent re-assessed. It was also recommended that the applicant's representative pursue clarification of the directive she apparently has been given, as the directive seems counterintuitive to the intent of the subsidized public housing program.

The respondents expressed gratitude for the housing they have been provided with and appreciate any opportunity they can get to work out their arrears. They admit paying the rent will be difficult given their current circumstances, but are committed to giving it their best effort, and anticipate applying disability payments once commenced against the rental arrears. They have also been attempting to pursue income support assistance, which apparently has its own challenges in the community. They also agreed to look into applying for help through the Homelessness Assistance Fund, which if successful could provide them with as much as \$3,000 towards their rental arrears.

I am satisfied the lease ledgers accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay their rent, have failed to comply with a rental officer order to pay their future rent on time, and have accumulated rental arrears in the amount of \$2,415.

Termination of the tenancy agreement and eviction

In light of the respondents repeated failure to pay their rent on time and the amount of rental arrears accumulated I am satisfied termination of the tenancy agreement and eviction are justified. However, given the change in the respondents' circumstances which may have a direct effect on the respondents' subsidized rent assessments and adjust the amount of rental arrears accumulated, and given the respondents' recent and anticipated efforts to resolve the arrears, I am satisfied that the termination and eviction orders should be conditional on the respondents paying the rental arrears in full and paying future rent on time.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$2,415;
- requiring the respondents to pay their 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 respondents from the rental premises July 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer