

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

LRP

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
LRP

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 LRP 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 failed to comply with a rental officer order to pay future rent on time, and had accumulated rental arrears. 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. LRP appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing May 1, 2001. 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 20-15104 issued September 6, 2016, required the respondent to pay rental arrears in the amount of \$4,579.04, required the respondent to pay her future rent on time, terminated the tenancy agreement December 31, 2016, unless at least \$600 was paid to the rental arrears and the rents for October, November, and December were paid on time, and evicted the respondent from the rental premises January 1, 2017, if the termination of the tenancy agreement became effective.

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 \$790 per month. Either insufficient payments or no payments were received in 10 of the last 12 months of the tenancy.

The respondent did not dispute the accuracy of the landlord's accounting, acknowledging the debt and accepting responsibility for it. She testified that her family has been having issues with income support, and she only recently learned that income support has not been paying her portion of the rent (\$325) since May 2017. The respondent usually receives help paying the rent from her adult children living with her, but they have not been receiving income support either. Payments have been made when possible, but inconsistently and not of sufficient amount to cover the subsidized rent. The respondent is committed to resolving her debt, resolving the issues with income support, and accessing what resources she and her family can (including if possible the Homelessness Assistance Fund).

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 rent in full when due, failed to comply with a rental officer order to pay her future rent on time, and accumulated rental arrears in the amount of \$13,010.02. Of that amount, \$9,263.66 has been accumulated since the last rental officer order was issued. Rental Officer Order Number 20-15104 remains enforceable until September 2019, as such an order to pay rental arrears under this application will only issue for the rental arrears accumulated since September 2016.

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 is justified. By agreement with the parties, given the respondent's difficulties with income support and her commitment to address the rent payments and rental arrears, the termination of the tenancy agreement will be for a longer term and conditional on the respondent paying a portion of the rental arrears and paying her future rent on time. An eviction order will not issue.

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 \$9,263.66;
- requiring the respondent to pay her rent on time in the future; and
- terminating the tenancy agreement September 30, 2018, unless at least \$3,000 is paid towards the rental arrears and the rents for April to September are paid on time.

Adelle Guigon
Rental Officer