

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

**RT**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 4, 2018

**Place of the Hearing:** Fort Simpson, Northwest Territories

**Appearances at Hearing:** KK, representing the applicant

**Date of Decision:** April 4, 2018

**REASONS FOR DECISION**

An application to a rental officer made by FSHA on behalf of the NTHC as the applicant/landlord against RT as the respondent/tenant was filed by the Rental Office December 6, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Simpson, Northwest Territories. The filed application was served on the respondent by registered mail signed for January 10, 2018.

The applicant alleged the respondent had repeatedly failed to pay rent, had accumulated rental arrears, and had caused disturbances. An order was sought for payment of the rental arrears, compliance with the obligation not to cause disturbances, termination of the tenancy agreement, and eviction.

A hearing was scheduled for April 4, 2018, in Fort Simpson. KK appeared representing the applicant. RT was served notice of the hearing by registered mail signed for January 10, 2018. 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 April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

*Rental arrears*

The lease balance statements 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 \$160 per month. Despite no payments being received in six of the last 12 months of the tenancy, as of March 20, 2018, the respondent has resolved all rental arrears accumulated.

I am satisfied the lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay the rent when due.

*Disturbances*

The applicant's representative testified that complaints from other tenants had been received of excessive noise and partying coming from the respondent's rental premises over the course of a few months, with the last reported occurrence on September 27, 2017. Warning notices were sent to the respondent regarding the disturbances. The applicant's representative personally observed at least one of the incidents. However, as mentioned, there have been no further disturbances reported since September 2017, speaking to the respondent's positive actions to refrain from causing disturbances or permitting disturbances to occur.

I am satisfied the respondent is responsible for the disturbances complained of prior to the end of September 2017. I find the respondent has failed to comply with her obligation not to disturb the landlord's or other tenants' enjoyment or possession of the rental premises or residential complex.

*Termination of the tenancy agreement and eviction*

I am not satisfied termination of the tenancy agreement and eviction are justified with respect to the respondent's repeated failure to pay her rent, given her successful efforts to resolve her debt. With respect to the disturbances, given the effect disturbances have on other tenants and the repeated pattern of parties occurring effectively during the summer months, I am satisfied termination of the tenancy agreement conditional on no further disturbances being reported is justified, but I am not satisfied an eviction order is necessary.

*Orders*

An order will issue:

- requiring the respondent to pay her future rent on time;
- requiring the respondent to comply with her obligation not to cause disturbances and not to breach that obligation again; and
- terminating the tenancy agreement June 30, 2018, unless no further verified disturbances are reported to the applicant.

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Adelle Guigon  
Rental Officer