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

CC

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 CC 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 9, 2018.

The applicant alleged the respondent had repeatedly failed to pay rent 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 April 4, 2018, in Fort Simpson. KK appeared representing the applicant. CC was served notice of the hearing by registered mail signed for January 9, 2018. The respondent did not appear at the hearing, nor did anyone appear on his 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.

Previous order

Rental Officer Order Number 10-14655 issued June 3, 2015, required the respondent to pay his future rent on time.

Rental arrears

The lease balance statement entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. All rents have been subsidized and are currently assessed at $160 per month. 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 balance statement accurately reflects the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay his rent, has failed to comply with a rental officer order to pay his future rent on time, and has accumulated rental arrears in the amount of $3,123. The amount of rental arrears effectively represent approximately 20 months of subsidized rent.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated pattern of failing to pay his rent and the substantial amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the applicant's representative, the termination and eviction orders will be conditional on the respondent paying the rental arrears in full and paying future rent on time. At hearing I miss-spoke and identified the termination date as June 30, 2018, and the eviction date as July 1, 2018. The intent was to provide the respondent with three months to show he could pay his rental arrears and pay his rent on time. The correct termination and eviction dates should be July 31, 2018, and August 1, 2018, respectively, and the order will reflect these dates.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of $3,123;

- requiring the respondent to pay his future rent on time;

- terminating the tenancy agreement July 31, 2018, unless the rental arrears are paid in full and the rents for May, June, and July are paid on time; and

- evicting the respondent from the rental premises August 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer