

IN THE MATTER between **NTHC**, Applicant, and **DM and PM**, 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-

**DM and PM**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>April 5, 2018</b>
<b><u>Place of the Hearing:</u></b>	<b>Fort Simpson, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>KK, representing the applicant DM, respondent PM, respondent</b>
<b><u>Date of Decision:</u></b>	<b>April 5, 2018</b>

### **REASONS FOR DECISION**

An application to a rental officer made by FSHA on behalf of the NTHC as the applicant/Landlord against DM and PM as the respondents/tenants was filed by the Rental Office February 21, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Wrigley, Northwest Territories. The filed application was served on the respondents by fax sent March 13, 2018.

The applicant alleged the respondents 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, payment of future rent on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for April 5, 2018, by three-way teleconference. KK appeared representing the applicant. DM and PM appeared as respondents. PM testified on behalf of both herself and DM.

#### *Tenancy agreement*

The parties agreed and evidence was presented establishing a residential tenancy agreement for subsidized public housing under the Northwest Territories Housing Corporation's Homeownership Entry Level Program (HELP) (previously identified as the Supported Lease Program) commencing June 14, 2013. 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 10-14929 issued July 5, 2016, required the respondents to pay rental arrears in the amount of \$7,600, required the respondents to pay future rent on time, terminated the tenancy agreement October 31, 2016, unless at least \$2,000 was paid to the rental arrears and the rents for August, September, and October were paid on time, and

evicting the respondents from the rental premises November 1, 2016, if the termination of the tenancy agreement became effective. The applicant did not have the termination and eviction orders enforced. Besides one CRA garnishment on June 23, 2017, garnishments on the monetary order for payment of the rental arrears did not commence until March 23, 2018.

#### *Rental arrears*

The lease balance statements 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 under the HELP and assessed at \$375 per month since April 2014. No payments have been received from the respondents against their rent account in 20 of the 21 months since the last rental officer order was issued.

The respondent did not dispute the accuracy of the landlord's accounting, acknowledging their debt and accepting responsibility for it. She stated she understood their responsibilities as tenants and the seriousness of the debt that's been accumulated. The respondent explained that there is no full-time work in Wrigley and that DM has just started receiving EI disability payments. The respondent acknowledged that they have made commitments in the past to make payments which did not work out, but they are prepared to enter into a payment plan. She acknowledged that they are struggling financially and would like to find a way to resolve this issue.

The HELP is a program designed to establish an affordable monthly rent with the goal for the tenants to build towards purchasing the rental premises. The subsidized rent remains static throughout the tenancy; it does not vary based on household income. The respondent acknowledged that their income status has changed significantly since entering into the HELP tenancy agreement. The parties agreed that it may be appropriate for them to discuss whether or not there are other tenancy programs which the respondents might be better suited to given their current circumstances.

I am satisfied the lease balance statements 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 totalling \$13,921.35. Of that amount, \$7,375 has accumulated since the last rental officer order was issued.

*Termination of the tenancy agreement and eviction*

In light of the respondents' repeated failure to pay their rent and the substantial amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. The parties agreed that a conditional termination and eviction order dependent on the respondents paying their future rent on time would be appropriate, in order to provide an opportunity for the parties to have a conversation about accessing other programming options.

*Orders*

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$7,375;
- requiring the respondents to pay their future rent on time;
- terminating the tenancy agreement August 31, 2018, unless the rents for May, June, July, and August are paid on time; and
- evicting the respondents from the rental premises September 1, 2018, if the termination of the tenancy agreement becomes effective.

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Adelle Guigon  
Rental Officer