

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

MJR

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 19, 2018

Place of the Hearing: Behchoko, Northwest Territories

Appearances at Hearing: BL, representing the applicant
MJR, respondent

Date of Decision: April 19, 2018

REASONS FOR DECISION

An application to a rental officer made by BKGK on behalf of the NTHC as the applicant/landlord against MJR as the respondent/tenant was filed by the Rental Office February 16, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The filed application was personally served on the respondent February 23, 2018.

The applicant alleged the respondent had repeatedly failed to pay rent, had accumulated rental arrears, had failed to report household income as required, and had failed to report any changes to the number of occupants in the rental premises as required. An order was sought for payment of rental arrears, payment of future rent on time, compliance with the obligation to report household income, compliance with the obligation to notify the landlord of any changes to the number of occupants in the rental premises, termination of the tenancy agreement, and eviction.

A hearing was scheduled for April 19, 2018, in Behchoko. BL appeared representing the applicant. MJR appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Reporting of changes to number of occupants

By a notice dated January 15, 2018, the respondent was required to report to the applicant the names of all the current occupants of the rental premises in order to update Schedule B to the written tenancy agreement. Paragraph 5 of the written tenancy agreement requires the tenant to notify the landlord of any changes in the number of people occupying the rental premises.

The respondent confirmed receiving the notice, and admitted that she had not yet responded to the request despite acknowledging her obligation to do as requested. She provided assurances and a commitment that she would be forthcoming with the requested information.

I find the respondent failed to comply with her obligation to notify the applicant of any changes to the number of people occupying the rental premises.

Reporting of household income

Paragraph 6 of the written tenancy agreement requires tenants in subsidized public housing to report the total household income of all occupants 19 years of age and older to the landlord whenever and as often as requested, and in the form prescribed by the landlord. The applicant requires tenants to report their household income annually through their CRA income tax returns from which the subsidized rents are assessed for the subsequent July to June period (i.e. July 2017 to June 2018 monthly subsidized rent would be calculated based on the 2016 household income).

The respondent admitted that she has purposely not reported her 2016 household income, and she acknowledged and accepted that the consequence for doing so is the assessment of the maximum monthly rent for the unit for the period of July 2017 to June 2018. The respondent explained that by June 2017 the relationship between herself and the manager and tenant relations officer for the local housing authority had deteriorated to the point that she refused to interact and engage with them any further. In addition to refusing to report her household income, the respondent also stopped paying any rent. She acknowledged the appropriateness of the maximum rent, and she acknowledged the appropriateness of making the application to a rental officer including a request to terminate the tenancy agreement.

It was established that since filing of the application to a rental officer both the manager and tenant relations officer have left the local housing authority; the former permanently, the latter temporarily. Both have been replaced with new personnel. The respondent agreed she

was prepared to re-open communications with the new personnel to resolve all the issues that have been raised. She made a commitment to submit her total household incomes for both 2016 and 2017, at which point her monthly rent would be re-assessed for eligible subsidies retroactive to July 2017.

I find the respondent has failed to comply with her obligation to report her household income in accordance with paragraph 6 of her written tenancy agreement.

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 prior to July 2017 were subsidized and last assessed at \$580 per month. All rents since July 2017 have been charged at the maximum monthly rent of \$1,545 due to the respondent's failure to report her 2016 household income. The last payment received against the respondent's rent account was recorded May 8, 2017, in the amount of \$600. It is of note that prior to June 2017 the respondent consistently paid the full amount of her rent when due.

The respondent did not dispute the accuracy of the landlord's accounting and accepted responsibility for the current balance reflected in the lease balance statements under the circumstances previously described. She understood that the current balance is the true balance at this time, but that it is likely to change substantially upon her submission of the 2016 household income and the re-assessment for eligible subsidies. In addition to her commitment to report her household income, she also committed to paying the rental arrears in full and paying her future rent on time.

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 and has accumulated rental arrears in the amount of \$15,648. It is expected that this amount will be reduced when the monthly rents are re-assessed for subsidies upon receipt of the 2016 household income.

Termination of the tenancy agreement and eviction

Under the circumstances and in light of the explanations and commitments offered by the respondent at hearing, the applicant's representative withdrew the applicant's request for termination of the tenancy agreement and eviction.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$15,648;
- requiring the respondent to pay her future rent on time;
- requiring the respondent to comply with her obligation to report her household income as required; and
- requiring the respondent to comply with her obligation to notify the landlord of any changes to the number of persons occupying the rental premises.

Adelle Guigon
Rental Officer