

IN THE MATTER between **NTHC**, Applicant, and **MK**, 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, regarding a rental premises located within the **hamlet of Tuktoyaktuk in the Northwest Territories**.

BETWEEN:

NTHC

Applicant/Landlord

- and -

MK

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to subsection 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$1,200.00 (one thousand two hundred dollars).
2. Pursuant to subsection 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.
3. Pursuant to subsections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate September 30, 2018, and the respondent must vacate the rental premises on or before that date, unless the rental arrears are paid in full and the rents for June, July, August, and September are paid on time.

4. Pursuant to subsections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, if the tenancy agreement between the parties is terminated in accordance with paragraph 3 of this order, the respondent will be evicted from the rental premises known as Unit #152 in Tuktoyaktuk, Northwest Territories, on October 1, 2018

DATED at the City of Yellowknife in the Northwest Territories this 7th day of June 2018.

Adelle Guigon
Rental Officer

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BETWEEN:

NTHC

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-and-

MK

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REASONS FOR DECISION

Date of the Hearing: May 30, 2018

Place of the Hearing: Tuktoyaktuk, Northwest Territories

Appearances at Hearing: LP, representing the applicant

Date of Decision: May 30, 2018

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the applicant/landlord against MK as the respondent/tenant was filed by the Rental Office February 9, 2018. 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 March 7, 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, payment of future rent on time, and termination of the tenancy agreement.

A hearing was scheduled for May 30, 2018, in Tuktoyaktuk. The Rental Officer appeared by telephone. LP appeared representing the applicant. MK was personally served notice of the hearing March 7, 2018. The respondent did not appear at the hearing, nor did anyone appear on their 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 July 25, 2013. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

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. No payments have been received in four of the last seven months.

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 rent and has accumulated rental arrears in the amount of \$1,200. This is a substantial reduction to the balance of rental arrears of \$2,370 which had accumulated at the time the application to a rental officer was made.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay rent and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction is justified. By agreement with the applicant's representative, and given that the respondent has made substantive efforts to resolve his rental arrears and that this is the first time the respondent has been brought before a rental officer, the termination and eviction orders will be conditional on the respondent paying the rental arrears in full and paying his future rent on time.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$1,200;
- requiring the respondent to pay his future rent on time;
- terminating the tenancy agreement September 30, 2018, unless the rental arrears are paid in full and the rents for June, July, August, and September are paid on time; and
- evicting the respondent from the rental premises October 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer