

IN THE MATTER between **NSHC**, Applicant, and **MD**, 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:

NSHC

Applicant/Landlord

-and-

MD

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 31, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: RB, representing the applicant
RMD, respondent
RF, appearing for the respondent

Date of Decision: May 31, 2018

REASONS FOR DECISION

An application to a rental officer made by NSHC as the applicant/landlord against MD as the respondent/tenant was filed by the Rental Office February 9, 2018. The application was made regarding a residential tenancy agreement between the parties for a rental premises located in Yellowknife, Northwest Territories. The filed application was personally served on the respondent February 19, 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 caused disturbances. An order was sought for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for May 31, 2018, in Yellowknife. RB appeared representing the applicant. RMD appeared as respondent, with RF appearing on his behalf.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing November 1, 2014. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears and reporting of household income

The statements of account 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 \$425 per month. August, September, October, and November 2017 were assessed at \$92 per month. Prior to August 2017, the subsidized rent was assessed at \$1,260 per month. The last three payments received against the rent account were recorded: May 25, 2018, in the amount of \$3,000; January 10, 2018, in the amount of \$200; and October 6, 2017, in the amount of \$50.

The respondent did not dispute the accuracy of the landlord's accounting, acknowledging his debt and accepting responsibility for it. He apologized to the applicant's representative for failing to comply with his obligation to pay rent. The respondent explained that after being laid off from work last year he succumbed to alcoholism, during which time he struggled not only to meet his obligations to his landlord, but also to meet the expectations of his family and of himself. Since filing of the application to a rental officer he has made concerted efforts to recover from his alcohol addiction and rebuild his life so that he can put his best foot forward and be the responsible individual he and his parents know he can be. The respondent testified that he is scheduled to start working with a local company as a third-year electrical apprentice and expects to be put on a two-week-on/two-week-off sub-contract rotation at one of the mines. He presented a reasonably thought out financial budget in which he has committed to paying \$1,430 per month towards his rent and arrears, divided into bi-weekly payments coinciding with his pay days. He expects his first pay day likely will be in the second half of June.

The respondent's father, RF, appeared to support his son. He acknowledged his son's recent failings and offered assurances to the Rental Officer and to the applicant's representative that he and his wife have reminded their son of his responsibilities and supported him to make positive changes to get his life back on track. The respondent's father acknowledged the role of the applicant's representative and of the Board to ensure the rules of the NSHC and the conditions of the tenancy agreement are complied with.

The applicant's representative accepted the respondent's apology, and acknowledged that his proposed payment plan would be acceptable. Notice was taken that once the respondent's new income was reported that it could result in a change to the amount of his subsidized rent. The applicant's representative confirmed that the maximum rent for the rental premises was \$1,260, which is the amount the respondent used to calculate his financial budget and determine the proposed payment plan.

I am satisfied the statements of account accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay his rent in full when due and I find the respondent has accumulated rental arrears in the amount of \$2,393. I am not satisfied that the respondent has failed to report his income as required.

Disturbances

The parties agreed and evidence was presented establishing the respondent's responsibility for several disturbances which had occurred since the respondent was laid off. The respondent acknowledged that his alcoholism was a major contributing factor for those disturbances and that since seeking help no further disturbances have occurred. The applicant's representative concurred that she has not received any complaints for just over a month.

I find the respondent has failed to comply with his 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

The respondent's repeated failure to pay his rent and the substantial amount of rental arrears accumulated cannot be ignored. As such, I am satisfied that termination of the tenancy agreement and eviction are justified. However, given the respondent's commitment to resolve those arrears and by agreement with the applicant's representative, the termination and eviction orders will be conditional on the respondent paying at least \$1,500 towards his rental arrears by the end of September and paying his future rent on time.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$2,393;
- requiring the respondent to pay his future rent on time;
- requiring the respondent to comply with his obligation not to cause disturbances;

- terminating the tenancy agreement September 30, 2018, unless at least \$1,500 is paid towards the rental arrears and the rents for 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