

IN THE MATTER between **NTHC**, Applicant, and **LK and FW**, 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-

**LK and FW**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** June 19, 2018

**Place of the Hearing:** Aklavik, Northwest Territories

**Appearances at Hearing:** FE, representing the applicant

**Date of Decision:** June 19, 2018

### **REASONS FOR DECISION**

An application to a rental officer made by AHA on behalf of the NTHC as the applicant/landlord against LK and FW as the respondents/tenants was filed by the Rental Office March 2, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Aklavik, Northwest Territories. The filed application was served on the respondents by registered mail signed for March 29, 2018.

The applicant alleged the respondents had repeatedly failed to pay their rent and had accumulated rental arrears. An order was sought for payment of the rental arrears, payment of future rent on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for June 19, 2018, in Aklavik. The Rental Officer appeared by telephone. FE appeared representing the applicant. LK and FW were served notices of the hearing by registered mail signed for March 29, 2018. The respondents did not appear at the hearing, nor did anyone appear on the respondents' behalf. The hearing proceeded in the respondents' 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 October 14, 2014. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

#### *Rental arrears*

The statement of account and payments report (rent documents) entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondents' rent account. All rents have been subsidized and are currently assessed at \$325 per month. Either insufficient payments or no payments were received in eight of the last 12 months of the tenancy agreement.

I am satisfied the rent documents accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$3,130.

*Termination of the tenancy agreement and eviction*

In light of the respondent's repeated failure to pay their rent when due 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 respondents paying at least \$400 towards the rental arrears and paying their future rent on time.

*Orders*

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$3,130;
- requiring the respondents to pay their future rent on time;
- terminating the tenancy agreement September 30, 2018, unless at least \$400 is paid towards the rental arrears and the rents for July, August, and September is paid on time; and
- evicting the respondents from the rental premises October 1, 2018, if the termination of the tenancy agreement becomes effective.

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Adelle Guigon  
Rental Officer