

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

KP

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 31, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JS, representing the applicant
KP, respondent

Date of Decision: May 31, 2018

REASONS FOR DECISION

An application to a rental officer made by YHA on behalf of the NTHC as the applicant/landlord against KP as the respondent/tenant was filed by the Rental Office October 24, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was served on the respondent by registered mail signed for November 30, 2017.

The applicant alleged the respondent had repeatedly failed to pay rent, had accumulated rental arrears, and had failed to comply with a rental officer order. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing originally scheduled for January 25, 2018, was postponed at the request of the applicant. The hearing was re-scheduled to May 31, 2018, in Yellowknife. JS appeared representing the applicant. KP appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing May 19, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Previous order

Rental Officer Order Number 10-15060 issued May 25, 2016, required the respondent to pay rental arrears in the amount of \$3,765 in minimum monthly installments of \$100 starting in June 2016, required the respondent to comply with her obligation not to permit unauthorized occupants to reside with her and not breach that obligation again, and required the respondent to report her household income in accordance with the tenancy agreement and not breach that obligation again.

Rental arrears

The lease balance statements and statements of account (rent documents) 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 \$80 per month. No payments have been received in six of the last 12 months of the tenancy.

The respondent did not dispute the accuracy of the landlord's accounting, acknowledging her debt and accepting responsibility for it. She explained that she has recently secured a job that she loves going to and is in a much better place both mentally and financially. The respondent is committed to resolving her debt and making her future rent payments on time. She completely understands the applicant's hesitance to trust her given the historical pattern of missed payments, but asked for one more chance to show she can comply with her obligations.

I am satisfied the rent documents accurately reflect the current status of the respondent's rent account. I find the respondent has repeatedly failed to pay her rent, has failed to comply with a rental officer order to make minimum monthly installments towards her rental arrears, has failed to comply with a rental officer order to pay her future rent on time, and has accumulated rental arrears in the total amount of \$2,840.70, which is the equivalent of about 24 months' subsidized rent.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay her rent 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 parties, the termination and eviction orders will be conditional on the respondent paying at least \$400 towards her rental arrears and paying her future rent on time.

Orders

An order will issue:

- rescinding paragraph 1 of Rental Officer Order Number 10-15060 and requiring the respondent to pay rental arrears in the amount of \$2,840.70;
- requiring the respondent to pay rent on time in the future;
- terminating the tenancy agreement September 30, 2018, unless at least \$400 is paid towards the rental arrears 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