

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

MM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 26, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: KK, representing the applicant

Date of Decision: June 26, 2018

REASONS FOR DECISION

An application to a rental officer made by FSHA on behalf of the NTHC as the applicant/landlord against MM as the respondent/tenant was filed by the Rental Office December 6, 2017. The application was made regarding a residential tenancy agreement for a rental premises located in Wrigley, Northwest Territories. The filed application was personally served on the respondent January 3, 2018.

The applicant alleged the respondent had repeatedly failed to pay 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 originally scheduled for April 17, 2018, at which both the applicant and respondent failed to appear. The hearing was re-scheduled to June 26, 2018, by three-way teleconference. KK appeared representing the applicant. MM was served notice of the hearing by registered mail signed for June 13, 2018. The respondent did not appear at the hearing, nor did anyone appear on the respondent's 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 April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The lease balance statements 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 \$75 per month. Either insufficient amounts

or no payments have been made against the respondent's rent account in 11 of the last 12 months. In fact, it is noted that there have been only three payments made in the last three years, and the amount of rental arrears accumulated to date represent approximately 3.75 years of subsidized rent.

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 rent and has accumulated rental arrears.

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. However, by agreement with the applicant's representative, the termination and eviction will be conditional on the respondent paying the rental arrears in full and paying the rent on time in the future.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$2,474.99;
- requiring the respondent to pay rent on time in the future;
- terminating the tenancy agreement September 30, 2018, unless the rental arrears are paid in full 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