

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

MJ

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 25, 2018

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JS, representing the applicant

Date of Decision: July 25, 2018

REASONS FOR DECISION

An application to a rental officer made by YHA on behalf of the NTHC as the applicant/landlord against MJ as the respondent/tenant was filed by the Rental Office January 4, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was personally served on the respondent January 30, 2018.

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

A hearing originally scheduled for May 3, 2018, was postponed at the request of the respondent due to his attendance at an extra-territorial treatment program. By agreement with the applicant, the requested postponement until the respondent's return from the treatment program was granted .

The hearing was re-scheduled to July 25, 2018, in Yellowknife. JS appeared representing the applicant. MJ was served notice of the hearing by registered mail deemed served July 12, 2018, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act). The telephone number on file for the respondent is no longer in service, and no email address was provided for the respondent. The hearing proceeded in the respondent's absence pursuant to subsection 80(2) of 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 3, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Rental Officer Order Number 10-13757 issued November 6, 2013, required the respondent to pay rental arrears in the amount of \$3,645.10 in minimum monthly installments of \$150 in November, December, and January, and \$3,195.10 in February, required the respondent to pay rent on time in the future, terminated the tenancy agreement February 28, 2014, unless the rental arrears were paid in full, and evicted the respondent from the rental premises March 1, 2014, if the termination of the tenancy agreement became effective.

Rental Officer Order Number 10-14339 issued October 29, 2014, required the respondent to pay rental arrears in the amount of \$1,600.49, terminated the tenancy agreement November 30, 2014, unless the rental arrears were paid in full, and evicted the respondent from the rental premises December 1, 2014, if the termination of the tenancy agreement became effective.

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. Insufficient payments have been made in nine of the last 12 months of the tenancy.

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 the full amount of rent when due and has failed to comply with a rental officer order to pay future rent on time. I find the respondent has accumulated rental arrears in the amount of \$492.99.

Termination of the tenancy agreement and eviction

In light of the respondent's repeated failure to pay the rent in full when due and the amount of 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 orders will be conditional on the respondent paying the rental arrears in full and paying future rent on time.

Orders

An order will issue:

- requiring the respondent to pay rental arrears in the amount of \$492.99;
- requiring the respondent to pay future rent on time;
- terminating the tenancy agreement October 31, 2018, unless the rental arrears are paid in full and the rents for August, September, and October are paid on time; and
- evicting the respondent from the rental premises November 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer