

IN THE MATTER between **NTHC**, Applicant, and **MI and NM**, 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-

MI and NM

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 24, 2018

Place of the Hearing: Lutselk'e, Northwest Territories

Appearances at Hearing: MC, representing the applicant

Date of Decision: July 24, 2018

REASONS FOR DECISION

An application to a rental officer made by LHA on behalf of the NTHC as the applicant/landlord against MI and NM as the respondents/tenants was filed by the Rental Office May 28, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Lutselk'e, Northwest Territories. The filed application was served on the respondents by registered mail signed for approximately July 16, 2018.

The applicant alleged the respondents 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, eviction, and compensation for use and occupation of the rental premises.

A hearing was scheduled for July 24, 2018, in Lutselk'e. The Rental Officer appeared by telephone. MC appeared representing the applicant. MI and NM were sent notices of the hearing by registered mail signed for approximately July 16, 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 prior to January 2008. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Rental Officer Order Number 10-12984 issued September 24, 2012, required MI to pay rental arrears in the amount of \$1,447.11, required MI and NM to pay rental arrears in the amount of \$4,133, required the respondents to pay their rent on time in the future, and required the respondents to comply with their obligation to report their household income.

Rental Officer Order Number 10-14322 issued November 26, 2014, required the respondents to pay rental arrears in the amount of \$8,935 in minimum monthly installments of \$100 starting in December 2014, required the respondents to pay their future rent on time, and terminated the tenancy agreement March 31, 2015, unless the minimum monthly installments and rents for December, January, February, and March were paid on time.

Rental Officer Order Number 15348 issued January 31, 2017, rescinded paragraph 1 of Rental Officer Order Number 10-14322 and required the respondents to pay rental arrears in the amount of \$8,592.71, required the respondents to pay their rent on time in the future, terminated the tenancy agreement March 31, 2017, unless at least \$5,500 was paid towards the rental arrears and the rents for February and March were paid on time, and evicted the respondents from the rental premises April 1, 2017, if the termination of the tenancy agreement became effective.

Rental arrears

The lease balance statements 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 \$555 per month. Either insufficient payments or no payments have been received in 10 of the last 12 months of the tenancy.

I am satisfied the lease balance statements accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay their rent on time, have failed to comply with a rental officer order to pay their future rent on time, and have accumulated rental arrears in the amount of \$3,239.50.

Termination of the tenancy agreement and eviction

In consideration of the respondents' repeated failure to pay their rent and the amount of unsubsidized rent again 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 the rental arrears in full and paying their future rent on time.

Orders

An order will issue:

- requiring the respondents to pay rental arrears in the amount of \$3,239.50;
- requiring the respondents to pay their rent on time in the future;
- 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 respondents from the rental premises November 1, 2018, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer