

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

TB

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 18, 2018

Place of the Hearing: Tulita, Northwest Territories

Appearances at Hearing: DY, representing the Applicant
TB, Respondent

Date of Decision: September 18, 2018

REASONS FOR DECISION

An application to a rental officer made by THA on behalf of the NTHC as the Applicant/Landlord against TB as the Respondent/Tenant was filed by the Rental Office June 25, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Tulita, Northwest Territories. The filed application was personally served on the Respondent September 4, 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 scheduled for September 18, 2018, in Tulita. DY appeared representing the Applicant. TB appeared as Respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing March 27, 2014. 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 payment received against the Respondent's rent account. All rents have been subsidized and are currently assessed at \$140 per month. Either insufficient payments or no payments were received in six of the last 12 months of the tenancy.

The Respondent did not dispute the accuracy of the Landlord's accounting, acknowledging the debt and accepting responsibility for it.

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 in full when due and has accumulated rental arrears in the amount of \$1,848.

Repairs

The Respondent was recently transferred from one rental premises to another under the existing tenancy agreement. The lease balance statements included charges from the previous rental premises to replace the front door and a window in December 2017. The total charges amount to \$1,628.15.

The Respondent confirmed that the damages were caused by her common-law spouse's actions, and as Tenant the Respondent accepted responsibility for the damages. The Respondent did not dispute the claimed costs of repairs.

I am satisfied the Respondent is responsible, as Tenant, for the damages to the rental premises, and I find the Respondent liable to the Applicant for costs of repairs in the amount of \$1,628.15.

Termination of the tenancy agreement and eviction

In light of the Respondent's repeated failure to pay rent and the 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 Respondent paying at least \$180 towards the rental arrears and paying future rent on time.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$1,848;
- requiring the Respondent to pay rent on time in the future;
- requiring the Respondent to pay costs of repairs in the amount of \$1,628.15;
- terminating the tenancy agreement December 31, 2018, unless at least \$180 is paid towards the rental arrears and the rents for October, November, and December are paid on time; and
- evicting the Respondent from the rental premises January 1, 2019, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer