

IN THE MATTER between **THA**, Applicant, and **FC**, 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:

THA

Applicant/Landlord

-and-

FC

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 3, 2018
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	JK, representing the Applicant
<u>Date of Decision:</u>	October 3, 2018

REASONS FOR DECISION

An application to a rental officer made by THA as the Applicant/Landlord against FC as the Respondent/Tenant was filed by the Rental Office May 31, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Inuvik, Northwest Territories. The filed application was personally served on the Respondent July 8, 2018.

The Applicant alleged the Respondent had repeatedly failed to pay rent, had repeatedly failed to report household income as required, had accumulated rental arrears, and had repeatedly caused disturbances. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing originally scheduled for August 7, 2018, was cancelled by the Rental Officer due to the proof of service of documents form not having been received at least five business days before the hearing date. The Rental Officer could not be satisfied that the Respondent had either received the application package and notice of attendance, or that the Respondent had adequate opportunity to prepare a defence to the allegations.

The hearing was re-scheduled to October 3, 2018, by three-way teleconference. JK appeared representing the Applicant. FC was served notice of the hearing by registered mail signed for September 19, 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 September 28, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears and reporting of household income

Paragraph 6 of the written tenancy agreement specifies the tenant's obligation to report the total household income whenever and as often as the landlord requests.

Paragraph 7 of the written tenancy agreement specifies that the tenant is eligible for rent subsidies calculated according to the Canada Mortgage and Housing Corporation Non-Profit "Fully Targeted" Housing Program.

The Applicant's representative testified that the subsidized monthly rent is calculated at 30 percent of the reported household income. The Respondent must report the total household income each month in order for the rent to be assessed.

The Applicant's representative testified that the Respondent has not reported the total household income since February 2018. As a result, the Applicant has been unable to assess the rent since March 2018. The Applicant's representative also testified that the only payments which have been received since the start of the tenancy have been \$32 per month payments made by Education, Culture, and Employment (ECE) on the Respondent's behalf. The February 2018 subsidized rent was \$328.50, which is approximately how much the subsidized rent was assessed at per month for September 2017 to January 2018 as well. The last payment received against the Respondent's rent account came from ECE and was recorded September 3, 2018, in the amount of \$32. The applicant's representative claimed rental arrears in the current amount of \$707.70, which does not include rent yet to be assessed for March to October 2018.

Based on the Applicant's representative's testimony, I am satisfied with the Landlord's accounting of rental arrears. I find the Respondent has repeatedly failed to report the total household income as required, has repeatedly failed to pay rent, and has accumulated rental arrears in the amount of \$707.70.

Disturbances

The Applicant's representative requested consideration of allegations of repeated disturbances occurring since January 2018. Several notices to the Respondent were entered into evidence referring to complaints received of substantial noise disturbances and related RCMP attendance at the rental premises occurring between January 7 and March 15, 2018. The Applicant's representative also testified to receiving additional verbal complaints from other tenants in the residential complex since the application to a rental officer was filed regarding the Respondent exhibiting disruptive intoxicated behaviour in the hallways and common areas, including urinating against the walls.

Based on the Applicant's representative's interactions with the Respondent, the Applicant's representative does not believe the Respondent has any intention or desire to either change his behaviours or to report his income and pay his rent.

I am satisfied on a balance of probabilities that the Respondent has repeatedly and unreasonably caused disturbances in the rental premises and residential complex.

Termination of the tenancy agreement and eviction

In light of the Respondent's repeated failure to report household income, the Respondent's repeated failure to pay rent, the Respondent's repeated failure to comply with the obligation not to cause disturbances, and the amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$707.70;
- terminating the tenancy agreement October 31, 2018; and
- evicting the Respondent from the rental premises November 1, 2018.

Adelle Guigon
Rental Officer