

IN THE MATTER between **NTHC**, Applicant, and **MW and MR**, 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-

MW and MR

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 11, 2018

Place of the Hearing: Paulatuk, Northwest Territories

Appearances at Hearing: LN, representing the Applicant
MR, Respondent

Date of Decision: September 11, 2018

REASONS FOR DECISION

An application to a rental officer made by PHA on behalf of the NTHC as the Applicant/Landlord against MW and MR as the Respondents/Tenants was filed by the Rental Office July 6, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Paulatuk, Northwest Territories. The filed application was personally served on each Respondent August 10, 2018.

The Applicant alleged the Respondents had failed to comply with a rental officer order to pay minimum monthly installments towards accumulated rental arrears. An order was sought to rescind the previous rental officer order and replace it with an order to pay the remaining outstanding rental arrears in a lump sum.

A hearing was scheduled for September 11, 2018, in Paulatuk. The Rental Officer appeared by telephone. LN appeared representing the Applicant. MR appeared as Respondent. MW was personally served notice of the hearing August 10, 2018. MW did not appear at the hearing, nor did anyone appear on the MW's behalf. The hearing proceeded in MW's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement and extension of time for making application

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing April 1, 2012. The Respondents vacated the rental premises, ending the tenancy September 30, 2016. It was agreed at hearing given the previous rental officer order and the pattern of payments made against arrears, both of which will be further elaborated on in these reasons for decision, that it would not be unfair to grant an extension to the time for making an application to a rental officer pursuant to subsection 68(3) of the Act.

Previous order

Rental Officer Order number 20-14843 issued October 8, 2015, required the Respondents to pay rental arrears in the amount of \$8,736.50 in minimum monthly installments of \$445 starting in October 2015, and required the Respondents to pay rent on time in the future.

Rental arrears

The lease balance statement entered into evidence represents the landlord's accounting of monthly assessed rents and payments received against the Respondents' rent account. All rents were subsidized and last assessed at \$555 per month. The last payment received during the tenancy was recorded June 17, 2016, in the amount of \$245. Five additional payments were received against the rent account between October 2016 and September 2017, with the last one recorded September 28, 2017, in the amount of \$375.

The Respondent did not dispute the accuracy of the landlord's accounting, acknowledging the debt, acknowledging their failure to comply with the rental officer order to pay minimum monthly installments, and accepting responsibility for both. The Respondents are no longer living together, but remain jointly responsible for the arrears accumulated under the joint subsidized public housing tenancy agreement that this application is about.

I am satisfied that the lease balance statement accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to comply with a rental officer order to pay minimum monthly installments towards rental arrears, and have a remaining balance of rental arrears owing in the amount of \$8,821.

Order

An order will issue rescinding paragraph 1 of Rental Officer Order Number 20-14843 and requiring the Respondents to pay rental arrears in the total amount of \$8,821.

Adelle Guigon
Rental Officer