

IN THE MATTER between **NTHC**, Applicant, and **GN and LN**, 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-

GN and LN

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 3, 2018
<u>Place of the Hearing:</u>	Whati, Northwest Territories
<u>Appearances at Hearing:</u>	KAF, representing the Applicant
<u>Date of Decision:</u>	October 17, 2018

REASONS FOR DECISION

An application to a rental officer made by WHA on behalf of the NTHC as the Applicant/Landlord against GN and LN as the Respondents/Tenants was filed by the Rental Office July 27, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Whati, Northwest Territories. The filed application was served on the Respondents by email deemed received September 14, 2018, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The Applicant alleged the Respondents had accumulated rental arrears and sought an order for payment of rental arrears.

A hearing was scheduled for October 3, 2018, in Whati. The Rental Officer appeared by telephone. KAF appeared representing the Applicant. GN and LN were served notices of the hearing by email deemed received September 14, 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 under the Applicant's Homeownership Entry Level Program (HELP) commencing January 1, 2005. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous order

Rental Officer Order Number 15289 issued September 7, 2016, required the Respondents to pay rental arrears in the amount of \$6,979.90 and required the Respondents to pay rent on time in the future.

Rental arrears

The lease balance statement represents 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 \$375 per month. No payments were received in five of the last 12 months of the tenancy.

The lease balance statement included with the application to a rental officer consisted of a single page with a balance forward of \$21,669.68 and detailing transactions between May 1 and June 12, 2018. No information was provided in the application substantiating the nature of the balance forward, and at hearing the Applicant's representative could not confirm whether or not any portion of the balance forward was for charges other than rent. The Applicant's representative was granted an opportunity to provide a more complete lease balance statement, and a decision was reserved pending receipt of that document.

An updated lease balance statement was provided reflecting transactions between April 1, 2012, and October 5, 2018. This statement was consistent with the findings made under Rental Officer Order Number 15289 in September 2016. It also included a charge from March 22, 2018, for damages described as being caused due to a freeze-up in the amount of \$20,919.68. No evidence was presented regarding those damages, nor were costs of repairs requested in the application to a rental officer.

The updated lease balance statement identified that Rental Officer Order Number 15289 for payment of rental arrears was satisfied, but that since that order was issued there have been six months in which no payments for rent were received. I am satisfied the updated lease balance statement accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to pay rent when due and have accumulated rental arrears in the amount of \$2,250.

Orders

An order will issue requiring the Respondents to pay rental arrears in the amount of \$2,250 and requiring the Respondents to pay rent on time in the future.

Adelle Guigon
Rental Officer