

IN THE MATTER between **NTHC**, Applicant, and **JM and KT**, 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-

JM and KT

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 14, 2018

Place of the Hearing: Deline, Northwest Territories

Appearances at Hearing: PK, representing the Applicant

Date of Decision: November 14, 2018

REASONS FOR DECISION

An application to a rental officer made by DHA on behalf of the NTHC as the Applicant/Landlord against JM and KT as the Respondents/Tenants was filed by the Rental Office August 21, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Deline, Northwest Territories. The filed application was personally served on the respondents September 24, 2018.

The Applicant alleged the Respondents had repeatedly failed to pay rent and had accumulated rental arrears. An order was sought for payment of rental arrears, payment of future rent on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for November 14, 2018, in Deline. PK appeared representing the Applicant. JM and KT were personally served notices of the hearing on September 24, 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 December 13, 2016. 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 payments received against the Respondents' rent account. All rents have been subsidized and are currently assessed at \$70 per month as of July 2018 (prior to then the rent was assessed at \$325 per month). No payments were 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 rent when due and have accumulated rental arrears in the amount of \$2,620, which represents approximately 12 months of subsidized rent.

Termination of the tenancy agreement and eviction

In light of the Respondents' repeated failure to pay the rent and the substantial amount of subsidized rental arrears, 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 future rent on time.

Orders

An order will issue:

- requiring the Respondents to pay rental arrears in the amount of \$2,620;
- requiring the Respondents to pay rent on time in the future;
- terminating the tenancy agreement February 28, 2019, unless the rental arrears are paid in full and the rents for December, January, and February are paid on time; and
- evicting the Respondents from the rental premises March 1, 2019, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer