

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

JS

Respondent/Tenant

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 JS as the Respondent/Tenant 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 Respondent September 24, 2018.

The Applicant alleged the Respondent had repeatedly failed to pay rent when due 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. JS was personally served notice of the hearing on September 24, 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 August 1, 2013. 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 Respondent's rent account. All rents have been subsidized and are currently assessed at \$140 per month as of July 2018 (rent was previously assessed at \$70 per month). Either insufficient payments or no payments were received in six of the last 12 months of the tenancy.

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 when due and has accumulated rental arrears in the amount of \$210, which represents 1.5 months' subsidized rent.

Termination of the tenancy agreement and eviction

The Applicant's representative acknowledged at hearing that the Respondent's repeated failure to pay rent did not begin until some time in 2017. She further acknowledged that since July 2018 the Respondent has consistently made monthly payments which paid the rental arrears in full as of August 17, 2018, and paid the rents for July to September in full when due. In effect, the current rental arrears are for half the month of October and all of November. In recognition of the Respondent's reasonably successful efforts, the Applicant's representative agreed with my assessment that termination of the tenancy agreement and eviction are not justified at this time.

Orders

An order will issue requiring the Respondent to pay rental arrears in the amount of \$210 and requiring the Respondent to pay future rent on time.

Adelle Guigon
Rental Officer