

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

**BY**

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 BY 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 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. BY 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 September 1, 2013. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

*Previous order*

Rental Officer Order Number 15553 issued April 27, 2017, required the Respondent to pay rental arrears in the amount of \$180, required the Respondent to pay future rent on time, terminated the tenancy agreement July 31, 2017, unless the rental arrears were paid in full and the rents for May, June, and July were paid on time, and evicted the Respondent from the rental premises August 1, 2017, if the termination of the tenancy agreement became effective.

### *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 \$70 per month. No payments were received in seven 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 in full when due, has failed to comply with a rental officer order to pay future rent on time, and has accumulated rental arrears in the amount of \$340, which represents approximately five months' subsidized rent.

### *Termination of the tenancy agreement and eviction*

In light of the Respondent's repeated failure to pay the rent, failure to comply with a rental officer order, and the amount of subsidized rental arrears accumulated, 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 Respondent paying the rental arrears in full and paying future rent on time.

### *Orders*

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$340;
- requiring the Respondent 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 Respondent from the rental premises March 1, 2019, if the termination of the tenancy agreement becomes effective.

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Adelle Guigon  
Rental Officer