

IN THE MATTER between **NTHC**, Applicant, and **FG and KC**, 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-

FG and KC

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 5, 2018
<u>Place of the Hearing:</u>	Gameti, Northwest Territories
<u>Appearances at Hearing:</u>	DA, representing the Applicant MK, representing the Applicant FG, Respondent KC, Respondent
<u>Date of Decision:</u>	December 5, 2018

REASONS FOR DECISION

An application to a rental officer made by GHA on behalf of the NTHC as the Applicant/Landlord against FG and KC as the Respondents/Tenants was filed by the Rental Office October 11, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Gameti, Northwest Territories. The filed application was personally served on the Respondents November 2, 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 December 5, 2018, in Gameti. The Rental Officer appeared by telephone. DA and Melinda Zoe appeared representing the Applicant. FG and KC appeared as Respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing October 29, 2015. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (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 \$845 per month. Either insufficient payments or no payments have been received in six of the last 12 months.

The Respondents did not dispute the accuracy of the Landlord's accounting, acknowledging their debt and accepting responsibility for it. The Respondents committed to paying \$200 per month towards the rental arrears in addition to the monthly subsidized rent.

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 the full amount of rent when due and have accumulated rental arrears in the amount of \$1,710, which represents approximately three months' subsidized rent.

Termination of the tenancy agreement and eviction

In light of the Respondents' repeated failure to pay the rent in full when due and the amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction is justified. The termination and eviction orders will be conditional on the Respondents paying at least \$600 towards the rental arrears by the end of March 2019 and paying future rent on time.

Orders

An order will issue:

- requiring the Respondents to pay rental arrears in the amount of \$1,710 (p. 41(4)(a));
- requiring the Respondents to pay rent on time in the future (p. 41(4)(b));
- terminating the tenancy agreement March 31, 2019, unless at least \$600 is paid towards the rental arrears and the rents for January, February, and March are paid on time (p. 41(4)(c), ss. 83(2)); and
- evicting the Respondents from the rental premises April 1, 2019, if the termination of the tenancy agreement becomes effective (p. 63(4)(a), ss. 83(2)).

Adelle Guigon
Rental Officer