

IN THE MATTER between **NTHC**, Applicant, and **NM and KE**, 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-

**NM KE**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>December 12, 2018</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>RB, representing the Applicant AL, representing the Applicant</b>
<b><u>Date of Decision:</u></b>	<b>December 12, 2018</b>

**REASONS FOR DECISION**

An application to a rental officer made by YDFN on behalf of the NTHC as the Applicant/Landlord against NM and KE 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 N'dilo, Yellowknife, Northwest Territories. The filed application was served on the Respondents by email deemed received November 10, 2018, pursuant to subsection 4(4) of the *Residential Tenancies Regulations* (the Regulations).

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

A hearing was scheduled for December 12, 2018, in Yellowknife. RB and AL appeared representing the Applicant. NM and KE were served notices of the hearing by email deemed received November 10, 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 joint residential tenancy agreement between the parties for subsidized public housing commencing October 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 Respondents' rent account. Rents for November 2013 to May 2014, July 2014 to April 2016, and July 2017 to June 2018 were assessed at the maximum monthly rent of \$1,545 due to the Respondents' household income exceeding the subsidy threshold; all other rents have been subsidized and are currently assessed at \$1,230 per month. Either insufficient payments or no payments were received in 11 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 and have accumulated rental arrears in the amount of \$20,437.97, which represents approximately 15 months' rent.

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

In light of the Respondents' repeated failure to pay rent and the substantial amount of subsidized rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. At the request of 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 \$20,437.97 (p. 41(4)(a));
- requiring the Respondents to pay rent on time in the future (p. 41(4)(b));
- terminating the tenancy agreement June 30, 2019, unless the rental arrears are paid in full and the monthly subsidized rents are paid on time (p. 41(4)(c), ss. 83(2)); and
- evicting the Respondents from the rental premises July 1, 2019, if the termination of the tenancy agreement becomes effective (p. 63(4)(a), ss. 83(2)).

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Adelle Guigon  
Rental Officer