

IN THE MATTER between **NTHC**, Applicant, and **MR and JM**, 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 **Janice Laycock**, Deputy Rental Officer,

BETWEEN:

NTHC

Applicant/Landlord

-and-

MR and JM

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: January 8, 2019

Place of the Hearing: Whati, NT

Appearances at Hearing: KAF representing Applicant

Date of Decision: January 8, 2019

REASONS FOR DECISION

An application to a rental officer made by the WHA on behalf of the NTHC as the Applicant/Landlord against MR and JM as the Respondents/Tenants was filed by the Rental Office on November 5, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Whati, Northwest Territories. The filed application was personally served on the Respondents on November 21, 2018.

The Applicant claimed that the Respondents had failed to pay rent and had rental arrears of \$8130.00. An order was sought for payment of rental arrears, to terminate tenancy agreement, eviction and compensation after termination.

A hearing was scheduled for January 8, 2019 in Whati. Janice Laycock, Deputy Rental Officer appeared by telephone. KAF appeared representing the Applicant. MR and JM were served notice of the hearing in person on November 21, 2018. The Respondents did not appear at the hearing, nor did anyone appear on their behalf. The hearing proceeded in the Respondents absence under subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy Agreement

The Applicant's representative testified and evidence was presented establishing a joint tenancy agreement between the parties commencing on February 02, 2015. According to the Applicant, the Respondents abandoned the rental premises around August 18, 2018 and the Applicant took possession on August 21, 2018. I am satisfied that a valid tenancy agreement is in place in accordance with the Act. As the Respondents have vacated the rental unit there is no longer a need to consider a termination and eviction order as requested in the application.

Rental Arrears

The Lease Balance Statement entered into evidence represents the accounting of monthly assessed rents and payments received. During their tenancy the Respondents had repeatedly failed to pay their rent when due. For instance, during the period January 1, 2018 to August 31, 2018 the Respondents only made two payments totalling \$300.00.

On August 9, 2018 MR signed a Last Chance Agreement with the WHA. The Agreement detailed the total arrears of \$9,620.00 and set out steps for payment. No payments were made, and as previously mentioned, the Respondents abandoned the rental unit about August 18, 2018.

I am satisfied that the Lease Balance Statement accurately reflects the current status of the Respondents' rental account. I find that the Respondents have accumulated rental arrears in the amount of \$9,620.00.

Orders

An order will be issued:

- requiring the Respondents to pay to the Applicant rental arrears in the amount of \$9,620.00 (p. 41(4)(a)).

Janice Laycock
Deputy Rental Officer