

IN THE MATTER between **NTHC**, Applicant, and **AL and ML**, 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-

AL and ML

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 11, 2018
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	RB, representing the Applicant AL-A, representing the Applicant AL, Respondent ML, Respondent
<u>Date of Decision:</u>	February 12, 2019

REASONS FOR DECISION

An application to a rental officer made by YDFN on behalf of the NTHC as the Applicant/Landlord against AL and ML as the Respondents/Tenants was filed by the Rental Office October 9, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Dettah, Northwest Territories. The filed application was served on the Respondents by registered mail signed for November 22, 2018.

The Applicant alleged the Respondents had accumulated rental arrears and sought an order for payment of the rental arrears.

A hearing was scheduled for December 11, 2018, in Yellowknife. RB and AL-A appeared representing the Applicant. AL and ML appeared as Respondents.

Tenancy agreement

Two written tenancy agreements for subsidized public housing were entered into evidence. The first was for a joint tenancy agreement signed by all parties commencing January 3, 2011. The second was for a tenancy agreement commencing April 1, 2012, that named both Respondents as tenants on its face, but was only signed by the Landlord's representative and AL. Because ML did not sign the contract accepting joint responsibility for it, I cannot hold ML liable for any rental arrears accumulated after March 31, 2012.

I am not prepared to consider any rental arrears accumulated under the former joint tenancy agreement because that tenancy ended nearly seven years ago, far exceeding the six-month time limitation set out under subsection 68(1) of the *Residential Tenancies Act* (the Act) for making an application to a rental officer.

The Respondents vacated the rental premises, ending the tenancy effective April 30, 2018. I am satisfied a sole tenancy agreement is in place between the Applicant and AL 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 based on reported household income and were last assessed at \$845 per month.

The Respondent disputed the accuracy of the Landlord's accounting, claiming that there were payroll deduction payments which they did not believe were accounted for in the lease balance statements. The Respondent was given an opportunity to provide evidence of the payroll deductions. A payroll deduction sheet was provided after the hearing. The Applicant's representatives were given an opportunity to cross-examine the payroll deduction sheet, and in their examination they confirmed that all the payroll deductions referenced in the payroll deduction sheet were reflected in the lease balance statements.

I am satisfied the lease balance statements accurately reflect the current status of the Respondents' rent account. I find the Respondent has accumulated rental arrears during the sole tenancy in the total amount of \$23,925.76.

Bankruptcy filing

Evidence was submitted establishing that the Respondent AL had filed for bankruptcy on December 8, 2017. As a result, the rental arrears accumulated as of that date cannot be considered in a Rental Officer order to pay rental arrears. Only rental arrears accumulated after the bankruptcy filing date can be ordered paid by the Rental Officer.

In this case, not including a payment of \$300 made against the rent account December 15, 2017, of the \$23,925.76 in total rental arrears, \$980 in rental arrears has accumulated since the bankruptcy was filed.

Order

An order will issue requiring AL to pay rental arrears accumulated since her bankruptcy filing date in the amount of \$980.

Adelle Guigon
Rental Officer