

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

BETWEEN:

NTHC

Applicant/Landlord

-and-

JW

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 27, 2019

Place of the Hearing: Fort Providence, NT

Appearances at Hearing: AG, representing the Applicant

JW, Respondent

Date of Decision: March 27, 2019

REASONS FOR DECISION

An application to a rental officer made by the FPHA on behalf of the NTHC as the Applicant/Landlord against JW as the Respondent/Tenant was filed by the Rental Office December 7, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Providence, Northwest Territories. The filed application was served by registered mail on the Respondent, signed for on March 14, 2019.

The Applicant claimed that the Respondent had repeatedly failed to pay rent on time and had accumulated rental arrears of \$2,840.00. The Applicant initially sought an order for payment of rental arrears, payment of rent on time in the future as well as termination and eviction.

A hearing was scheduled for March 27, 2019, in Fort Providence. Janice Laycock, Deputy Rental Officer appeared by telephone. AG appeared representing the Applicant. The Respondent, JW, also appeared at the hearing.

Tenancy Agreement

The Applicant's representative testified and evidence was presented establishing a tenancy agreement between the parties for subsidized public housing commencing August 15, 2013. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Rental Arrears

The Lease Balance Statement provided by the Applicant and entered into evidence represents the accounting of monthly assessed rents and payments received. At the time this application was filed with the Rental Office the Respondent's monthly subsidized rent was \$580.00 and he had an outstanding balance of \$2,840.00. However, the most recent statement, dated March 25, 2019, shows a balance owing of \$0.00 . Previous statements document a history of late payments, no payments or insufficient payments.

A Last Chance Agreement was provided by the Applicant and entered into evidence. This agreement was signed by both the Respondent and the Applicant on October 22, 2018. Despite the agreement no payments were made by the Respondent from November 2018 to the end of January 2019 when a payment of \$75.00 was made.

Rental Officer Order 14737 issued July 22, 2015 ordered payment of arrears totalling \$5,734.95, payment of future rent on time and termination if these conditions were not met. The Reasons for Decision details a history of late payments, no payments, or insufficient payments.

The Respondent did not dispute the accounting but provided testimony at the hearing regarding his continuing struggle to pay the rent on time and in full. He said that it had been a bad year for his contracting business, there is only one income in the house to pay all of the bills and that he had recently applied for employment insurance. He made a commitment to pay the rent on time. I reminded the Respondent that under the Tenancy Agreement with the Applicant he has a responsibility to make his payments in full and when due.

I am satisfied that the Lease Balance Statement accurately reflects the current status of the Respondent's rental account. I find that the Respondent has repeatedly failed to pay his rent when due and although he currently has no arrears, he has in the past accumulated significant rental arrears.

Termination of the Tenancy Agreement and Eviction

As the Respondent had paid his arrears in full just prior to this hearing (March 22, 2019), the Applicant withdrew their request for termination and eviction.

Orders

An order will be issued:

- requiring the Respondent to pay their rent on time in the future (p. 41(4)(b)).

Janice Laycock
Deputy Rental Officer