

IN THE MATTER between **NTHC**, Applicant, and **CHJ**, 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 **Adelle Guigon**, Rental Officer,

BETWEEN:

NTHC

Applicant/Landlord

-and-

CHJ

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 16, 2019

Place of the Hearing: Sachs Harbour, Northwest Territories

Appearances at Hearing: BL, representing the Applicant

Date of Decision: April 16, 2019

REASONS FOR DECISION

An application to a rental officer made by SHHA on behalf of the NTHC as the Applicant/Landlord against CHJ as the Respondent/Tenant was filed by the Rental Office March 4, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Sachs Harbour, Northwest Territories. The filed application was personally served on the Respondent April 8, 2019.

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

A hearing was scheduled for April 16, 2019, in Sachs Harbour. The Rental Officer appeared by telephone. BL appeared by telephone representing the Applicant. CHJ was personally served notice of the hearing April 8, 2019. The Respondent did not appear at the hearing, nor did anyone appear on the Respondent's behalf. The hearing proceeded in the Respondent's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matter

The application to a rental officer identified the rental premises as SHH-0034. The written tenancy agreement identified the rental premises as SHH-0027. At hearing, the Applicant's representative confirmed that the rental premises is SHH-0027 and requested the application be amended to correct the error. The application was so amended.

Tenancy agreement

The Applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing September 3, 2018. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The lease balance statement entered into evidence represents the Landlord's accounting of monthly assessed rents and payments received against the Respondent's rent account. All rents have been subsidized and are currently assessed at \$555 per month. No payments have been received in five of the eight months of the tenancy, and insufficient amounts were paid in two of the eight months of the tenancy.

A last chance agreement was entered into in November 2018 – just two months after the tenancy started – in which the Respondent acknowledged the rental arrears accumulated at the time and agreed to pay \$375 per month towards the rental arrears in addition to the monthly rent. The Respondent failed to comply with the terms of the last chance agreement, having made no payments in December through April.

I am satisfied the lease balance statement accurately reflects the current status of the Respondent's rent account. I find the Respondent has repeatedly failed to pay rent and has accumulated rental arrears in the amount of \$3,043. That amount represents approximately six months' subsidized rent.

Termination of the tenancy agreement and eviction

In light of the Respondent's repeated failure to pay the rent and the substantial amount of subsidized rental arrears accumulated during this short tenancy, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with the Applicant's representative, the termination date will be extended to May 31, 2019.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$3,043 (p. 41(4)(a));
- terminating the tenancy agreement May 31, 2019 (p. 41(4)(c)); and
- evicting the Respondent from the rental premises June 1, 2019 (p. 63(4)(a)).

Adelle Guigon
Rental Officer