

IN THE MATTER between **NTHC**, Applicant, and **KW and SL**, 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-

KW and SL

Respondents/Tenants

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 KW and SL as the Respondents/Tenants 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 Respondents April 8, 2019.

The Applicant alleged the Respondents 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. KW and SL were personally served notices of the hearing April 8, 2019. 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 residential tenancy agreement between the parties for subsidized public housing commencing August 8, 2016. 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 Respondents' rent account. All rents have been subsidized and are currently assessed at \$790 per month. Either insufficient payments or no payments have been received in eight of the last 12 months of the tenancy.

I am satisfied the lease balance statement accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to pay the full amount of rent when due and have accumulated rental arrears in the amount of \$4,690. That amount represents approximately six months' subsidized rent.

Termination of the tenancy agreement and eviction

In light of the Respondents' repeated failure to pay rent in full when due and the substantial amount of subsidized rental arrears that have accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. By agreement with 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 \$4,690 (p. 41(4)(a));
- requiring the Respondents to pay rent on time in the future (p. 41(4)(b));
- terminating the tenancy agreement July 31, 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 August 1, 2019, if the termination of the tenancy agreement becomes effective (p. 63(4)(a), ss. 83(2)).

Adelle Guigon
Rental Officer