

IN THE MATTER between **NTHC**, Applicant, and **EH**, 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-

**EH**

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 EH 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, had accumulated rental arrears, and had failed to comply with a rental officer order. An order was sought for payment of rental arrears, 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. EH 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).

#### *Tenancy agreement*

The Applicant's representative testified and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

#### *Previous orders*

Rental Officer Order Number 20-13578 issued April 15, 2014, required the Respondent to pay rental arrears in the amount of \$8,865.94 and required the Respondent to pay future rent on time. This order has been filed with the Supreme Court of the Northwest Territories under court file number S1CV2016000254.

Rental Officer Order Number 20-15120 issued July 28, 2016, required the Respondent to pay rental arrears in the amount of \$1,515; required the Respondent to pay future rent on time; terminated the tenancy agreement November 30, 2016, unless at least \$300 was paid towards the rental arrears and the monthly subsidized rents for September, October, and November were paid on time; and evicted the Respondent from the rental premises December 1, 2016, if the termination of the tenancy agreement became effective. This order has been filed with the Supreme Court of the Northwest Territories under court file number S1CV2016000424. Despite the Respondent's failure to comply with the monetary requirements of this order, the Applicant permitted the tenancy to continue, effectively reinstating the tenancy as of December 1, 2016.

Rental Officer Order Number 16018 issued June 14, 2018, required the Respondent to pay rental arrears in the amount of \$7,643.59 in minimum monthly installments of \$430 starting in July 2018.

#### *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 \$140 per month. No payments have been received against the rent account in 10 of the last 12 months of the tenancy, with the last payment received May 8, 2018, in the amount of \$500. No garnishments have been initiated through the Supreme Court under either of the two enforceable rental officer orders.

Applying all payments received after July 1, 2016, which are greater than \$70 first towards the rent for the month the payment was made and then towards the rental arrears accumulated as of June 30, 2016 leaves a remaining enforceable balance owing under Rental Officer Orders Numbered 20-13578 and 20-15120 of \$6,523.59.

The current balance of rental arrears as of April 15, 2019, is \$9,043.59, which represents approximately 10 years' subsidized rent. Subtracting the remaining balance of previously ordered rental arrears of \$6,523.59 from the current balance of \$9,043.59 results in a balance of rental arrears accumulated since Rental Officer Order Number 20-15120 was issued in the amount of \$2,520. Of that \$2,520 balance, \$1,400 has accumulated since the last rental officer order (16018) was issued.

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, has failed to comply with a rental officer order to pay future rent on time, has failed to comply with a rental officer order to pay minimum monthly installments towards the rental arrears, and has accumulated rental arrears in the total amount of \$9,043.59.

As mentioned, Rental Officer Orders Numbered 20-13578 and 20-15120 have been filed with the Supreme Court of the Northwest Territories and remain enforceable. I have no authority to rescind those two orders. Rental Officer Order Number 16018 has also been filed with the Supreme Court of the Northwest Territories. However, because that order incorporates a minimum monthly installment plan into the order to pay rental arrears pursuant to subsection 84(2) of the Act, I have authority under subsection 84(3) of the Act to rescind that order and replace it with an order to pay the remaining balance of rental arrears in a lump sum. Because of the two previous orders, the lump sum order that I am able to issue today would be for rental arrears accumulated since Rental Officer Order Number 20-15120 was issued.

*Termination of the tenancy agreement and eviction*

In light of the Respondent's repeated failure to pay the rent, the Respondent's failure to comply with rental officer orders, and the substantial amount of subsidized rental arrears that have accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. At the request of the Applicant's representative, the termination and eviction orders will be conditional on the Respondent paying at least \$560 towards the rental arrears and paying future rent on time.

*Orders*

An order will issue:

- rescinding Rental Officer Order Number 16018, and requiring the Respondent to pay rental arrears accumulated since Rental Officer Order Number 20-15120 was issued in the amount of \$2,520 (p. 41(4)(a), ss. 84(3));
- requiring the Respondent to pay rent on time in the future (p. 41(4)(b));

- terminating the tenancy agreement July 31, 2019, unless at least \$560 is paid towards the rental arrears and the monthly subsidized rents for May, June, and July are paid on time (p. 41(4)(c), ss. 83(2)); and
- evicting the Respondent 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