

IN THE MATTER between **NTHC**, Applicant, and **GK and BK**, 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-

GK and BK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 22, 2019

Place of the Hearing: Deline, Northwest Territories

Appearances at Hearing: MH, representing the Applicant
AE, representing the Applicant

Date of Decision: May 22, 2019

REASONS FOR DECISION

An application to a rental officer made by DHA on behalf of the NTHC as the Applicant/Landlord against GK and BK as the Respondents/Tenants was filed by the Rental Office April 17, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Deline, Northwest Territories. The filed application was personally served on the Respondent April 29, 2019.

The Applicant alleged the Respondents had repeatedly failed to pay the rent in full when due 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 May 22, 2019, in Deline. MH and AE appeared representing the Applicant. GK and BK were personally served notices of the hearing April 29, 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

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2011. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous order

Rental Officer Order Number 20-12095 issued June 29, 2011, required the Respondents to pay rental arrears in the amount of \$20,983.

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 \$555 per month. Either insufficient payments or no payments were made in 10 of the last 12 months of the tenancy agreement.

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 rent, have failed to comply with a rental officer order to pay previous rental arrears, and have accumulated rental arrears to date in the amount of \$18,797.55. Applying all the CRA remittance garnishments totalling \$4,253.01 which have been received since June 29, 2011, against the rental arrears ordered under the last rental officer order leaves an outstanding balance of \$16,729.99. Given that the last rental officer order has been filed by the Applicant with the Supreme Court of the Northwest Territories, it remains enforceable for the balance of arrears ordered paid. Deducting that balance of \$16,729.99 from the lease balance statement results in an amount of \$2,067.56, which represents rental arrears accumulated since the last rental officer order was issued. That amount is equivalent to approximately four months' subsidized rent.

Termination of the tenancy agreement and eviction

In light of the Respondents' repeated failure to pay the rent in full when due, the Respondents' failure to pay previously ordered rental arrears, and the amount of subsidized rental arrears that have continued to accumulate, 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 at least \$375 each month towards the rental arrears and paying future rent on time. The amount of \$375 per month towards the rental arrears was agreed to by the Respondents when they signed a last chance agreement on April 3, 2019.

Orders

An order will issue:

- requiring the Respondents to pay rental arrears accumulated since the last rental officer order was issued in the amount of \$2,067.56 (p. 41(4)(a));
- requiring the Respondents to pay rent on time in the future (p. 41(4)(b));
- terminating the tenancy agreement August 31, 2019, unless at least \$375 is paid each month towards the rental arrears and the monthly subsidized rents for June, July, and August are paid on time (p. 41(4)(c), ss. 83(2)); and
- evicting the Respondents from the rental premise September 1, 2019, if the termination of the tenancy agreement becomes effective (p. 63(4)(a), ss. 83(2)).

Adelle Guigon
Rental Officer