

IN THE MATTER between **THA**, Applicant, and **KH and AK**, 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:

THA

Applicant/Landlord

-and-

KH and AK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 4, 2019

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: JK, representing the Applicant
KH, Respondent
AK, Respondent

Date of Decision: July 4, 2019

REASONS FOR DECISION

An application to a rental officer made by THA as the Applicant/Landlord against KH and AK as the Respondents/Tenants was filed by the Rental Office May 15, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Inuvik, Northwest Territories. The filed application was served on the Respondents by registered mail signed for May 29, 2019.

The Applicant alleged the Respondents had repeatedly failed to pay rent when due, had failed to report household income as required, and had accumulated rental arrears. An order was sought for payment of the rental arrears, payment of future rent on time, and termination of the tenancy agreement.

A hearing was scheduled for July 4, 2019, by three-way teleconference. JK appeared representing the Applicant. KH and AK appeared as Respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing October 6, 2017. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The statement of account entered into evidence represents the Landlord's accounting of rental arrears accumulated as of December 31, 2018. All rents up to that point were subsidized based on reported monthly household income. Payments received in 2019 have been applied against the rental arrears accumulated as of December 31, 2018. The monthly subsidized rents for January to July 2019 have not been assessed and invoiced because the Respondents have not reported their monthly income for December 2018 to June 2019. The Applicant's representative further clarified that at this time they are only seeking an order to pay the rental arrears accumulated as of December 31, 2018, less the payments received to date.

Paragraph 6 of the written tenancy agreement specifies the Tenants' obligation to report their total household income as and when required by the Landlord. The parties agreed that the total household income was required to be reported on a monthly basis.

The Respondents did not dispute the accuracy of the Landlord's accounting, nor did they dispute the Applicant's claims regarding their failure to report their household income as required. The Respondents admitted that they are currently not residing together, but they do not wish to terminate the joint tenancy agreement and they continue to accept joint responsibility for the tenancy. AK testified that he has been having difficulties obtaining his pay stubs from his employer since January, which is a contributing factor to why the household income has not been reported. It was clarified at the hearing that there are other ways to report the household income, including providing bank statements showing the payroll deposits for the period.

I find the Respondents have repeatedly failed to comply with their obligation to report their household income on a monthly basis. I find the Respondents have repeatedly failed to pay their rent in full when due. I find the Respondents have accumulated rental arrears as of December 31, 2018, in the amount of \$2,001.56. That amount represents approximately two months' subsidized rent.

Termination of the tenancy agreement

In light of the Respondents' repeated failure to pay the rent in full when due and the Respondents' repeated failure to comply with their obligation to report their household income, I am satisfied termination of the tenancy agreement is justified. By agreement with the parties, the termination order will be conditional on the Respondents paying the identified rental arrears in full, paying their future rent on time, and reporting all outstanding monthly household income.

Orders

An order will issue:

- requiring the Respondents to pay rental arrears in the amount of \$2,001.56 (p. 41(4)(a));
- requiring the Respondents to pay rent on time in the future (p. 41(4)(b));
- requiring the Respondents to comply with their obligation to report their household income (p. 45(4)(a)); and
- terminating the tenancy agreement October 31, 2019, unless the rental arrears of \$2,001.56 are paid in full, the monthly subsidized rents for August, September, and October are paid on time, and all outstanding household income reports are provided to the Applicant (p. 41(4)(c), p. 45(4)(e), ss. 83(2)).

Adelle Guigon
Rental Officer