

IN THE MATTER between **NTHC**, Applicant, and **DS and CS**, 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-

DS and CS

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 17, 2019

Place of the Hearing: Fort Providence, Northwest Territories

Appearances at Hearing: RMV, representing the Applicant

Date of Decision: July 17, 2019

REASONS FOR DECISION

An application to a rental officer made by FPHA on behalf of the NTHC as the Applicant/Landlord against DS and CS as the Respondents/Tenants was filed by the Rental Office May 27, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Providence, Northwest Territories. The filed application was personally served on the Respondents June 17, 2019.

The Applicant alleged the Respondents had repeatedly failed to pay 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 July 17, 2019, in Fort Providence. The Rental Officer appeared by telephone. RMV appeared representing the Applicant. DS and CS were personally served notices of the hearing June 17, 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 October 15, 2015. 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 \$580 per month. An additional payment was received by the Applicant on July 12, 2019, in the amount of \$500; the lease balance statement was adjusted accordingly. Either insufficient payments or no payments were received in five of the last 12 months of the tenancy.

I am satisfied the adjusted lease balance statement accurately reflects the current status of the Respondents' rent account. I find the Respondents have repeatedly failed to pay the rent when due and have accumulated rental arrears in the amount of \$660. That amount represents approximately two 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 and the amount of subsidized rental arrears that have accumulated, I am satisfied conditional termination and eviction orders are justified, dependent on 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 \$660 (p. 41(4)(a));
- requiring the Respondents to pay future rent on time (p. 41(4)(b));
- terminating the tenancy agreement October 31, 2019, unless the rental arrears are paid in full and the monthly subsidized rents for August, September, and October are paid on time (p. 41(4)(c), ss. 83(2)); and
- evicting the Respondents from the rental premises November 1, 2019, if the termination of the tenancy agreement becomes effective (p. 63(4)(a), ss. 83(2)).

Adelle Guigon
Rental Officer