

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

RL

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 17, 2019
<u>Place of the Hearing:</u>	Fort Providence, Northwest Territories
<u>Appearances at Hearing:</u>	RMV, representing the Applicant
<u>Date of Decision:</u>	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 RL as the Respondent/Tenant 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 Respondent June 17, 2019.

The Applicant alleged the Respondent 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. RMV appeared representing the Applicant. RL was personally served notice of the hearing June 17, 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

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing October 1, 2012. 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 Respondent's rent account. All rents have been subsidized and were assessed at \$580 per month up to and including for June 2019. The rent for July 2019 was assessed at the unsubsidized rent of \$1,545 due to the Respondent's household income for 2018 exceeding the CNIT threshold for eligibility for rent subsidies. Either insufficient payments or no payments were received in six of the last 12 months of the tenancy.

The Applicant's representative testified that she had spoken with the Respondent yesterday and that he had advised her that he was in the process of moving out of the rental premises because he cannot afford the unsubsidized monthly rent. He conceded that in working for the mines now his income would likely continue to exceed the income threshold for subsidized housing. The Respondent indicated to the Applicant's representative that he expects to be fully moved out of the rental premises by the end of the month.

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 the rent in full when due and has accumulated rental arrears in the amount of \$3,285. That amount represents approximately four months' subsidized rent.

Termination of the tenancy agreement and eviction

In light of the Respondent's repeated failure to pay the rent and the amount of subsidized rental arrears that have accumulated, and given the Respondent's expressed intention to vacate the rental premises, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue:

- requiring the Respondent to pay rental arrears in the amount of \$3,285 (p. 41(4)(a));
- terminating the tenancy agreement July 31, 2019 (p. 41(4)(c)); and
- evicting the Respondent from the rental premises August 1, 2019 (p. 63(4)(a)).

Adelle Guigon
Rental Officer