

IN THE MATTER between **NTHC**, Applicant, and **DL(P)**, 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-

**DL(P)**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>October 17, 2019</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>AG, representing the Applicant LW, representing the Applicant</b>
<b><u>Date of Decision:</u></b>	<b>October 17, 2019</b>

**REASONS FOR DECISION**

An application to a rental officer made by RKA as the Applicant/Landlord against DL(P) as the Respondent/Tenant was filed by the Rental Office July 5, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Fort Good Hope, Northwest Territories. The filed application was personally served on the Respondent August 21, 2018.

The Applicant alleged the Respondent had accumulated rental arrears and had caused damages to the rental premises. An order was sought for payment of the rental arrears and payment for costs of repairs.

A hearing scheduled for September 11, 2018, was cancelled due to the Applicant's failure to provide proof of service of the filed application and notice of attendance in advance of the hearing date. The hearing was re-scheduled to January 22, 2019, and postponed at the request of the Applicant due to a death in the community.

The hearing was re-scheduled to February 21, 2019, by three-way teleconference. AG and LW appeared representing the Applicant. DL(P) was served notice of the hearing by email deemed received February 1, 2019. The Respondent did not appear at the hearing, nor did anyone appear on the Respondent's behalf. The hearing commenced in the Respondent's absence pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act). The February 21, 2019, hearing was adjourned *sine die* pending submissions of additional evidence by the Applicant.

The hearing was scheduled to re-commence August 20, 2019, but again was postponed peremptory on the Applicant due to their unavailability for that date. The re-commencement of the hearing was scheduled for October 17, 2019. AG and LW appeared representing the Applicant. DL(P) was served notice of the hearing by email deemed received September 26, 2019. The Respondent did not appear at the hearing, nor did anyone appear on the Respondent's behalf. The hearing continued in the Respondent's absence pursuant to subsection 80(2) of the Act.

*Preliminary matter*

The application to a rental officer identified the Applicant/Landlord as RKA. The written tenancy agreement identified the Landlord as NTHC with RKA as its authorized agent. The Applicant's representatives was asked at hearing whether they would like the application amended to include NTHC as the Applicant/Landlord, to which they agreed. The application was amended to identify the Applicant as RKA on behalf of the NTHC, and the style of cause going forward will be NTHC v. DL(P).

*Tenancy agreement*

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized housing under the Landlord's Homeownership Entry Level Program (HELP) commencing April 1, 2005. The Respondent vacated the rental premises, ending the tenancy April 16, 2018. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

*Previous order*

Rental Officer Order Number 20-14197 issued September 11, 2014, required the Respondent to pay rental arrears in the amount of \$28,818, and required the Respondent to pay future rent on time. The monetary order was satisfied in full through garnishments as of August 2, 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 were subsidized and last assessed at \$300 per month. No payments were received in 23 of the last 24 months of the tenancy, with the last payment having been received July 11, 2018, in the amount of \$585.55.

I am satisfied the lease ledger accurately reflects the current status of the Respondent's rent account. I find the Respondent has accumulated rental arrears in the amount of \$6,737.59.

*Damages*

The Applicant's representatives withdrew their request for an order for payment of the costs of repairs. They opted to wait until the repairs were actually effected – which is scheduled to occur next summer – and make a new application once they have actual costs of repairs to claim. I accepted their withdrawal of the claim for damages, and encouraged them to make sure they keep a clear track of their efforts to communicate with and resolve the damages issues with the Respondent to support the justification for extending the time for making their future application.

*Order*

An order will issue requiring the Respondent to pay rental arrears in the amount of \$6,737.59.

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Adelle Guigon  
Rental Officer