

IN THE MATTER between **NTHC**, Applicant, and **AM**, 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 **Janice Laycock**, Rental Officer,

BETWEEN:

NTHC

Applicant/Landlord

-and-

AM

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 8, 2020

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: MRC, representing the Applicant

Date of Decision: March 4, 2020

REASONS FOR DECISION

An application to a rental officer made by the LKHA on behalf of the NTHC as the Applicant/Landlord against AM as the Respondent/Tenant was filed by the Rental Office on October 11, 2019. The application was made regarding a residential tenancy agreement for a rental premises located in Lutselk'e, Northwest Territories. The filed application was served on the Respondent by registered mail deemed served on December 25, 2019.

The Applicant claimed the Respondent had rental arrears and an order was sought for payment of the rental arrears and for payment of damages to the rental unit.

A hearing was held January 8, 2020, by three-way teleconference. Both parties were provided notice of the hearing. Janice Laycock, Rental Officer, MaryRose Casaway, representative for the Applicant, and AM, Respondent, all appeared for the hearing.

At the hearing evidence was heard from both the Applicant and the Respondent relating to the arrears and the damages. As the presiding Rental Officer, I issued an order for the payment of damages alone, but did not order payment of arrears. As both the Applicant's representative and the Respondent were at the hearing and reasons were provided orally on the record no written reasons were provided (subsection 84.1(1) of the *Residential Tenancies Act* (the Act)).

On February 14, 2020, as provided for under section 84.2 of the Act, the Applicant requested a review of the decision, noting an error in calculating rental arrears accrued since the previous Rental Officer Order #10-14679. A review was carried out by the presiding Rental Officer and an error in calculation was found. The following are the reasons for the order that was subsequently issued for payment of rental arrears.

Previous relevant orders

Rental Officer Order #10-14679 (date of decision June 17, 2015) ordered the lump sum payment of rental arrears totalling \$20,204.48. Rental Officer Order #10-14964 (date of decision March 10, 2016) dismissed a claim for tenant damage charges (included on the lease balance statement) of \$1,315.13.

Tenancy agreement

Evidence was presented establishing a tenancy agreement for subsidized public housing beginning April 1, 2014 and continuing month to month until it was terminated in May 2019. I am satisfied that a valid tenancy agreement was in place in accordance with the Act.

Rental arrears

The lease balance statement entered into evidence provides information on charges and payments on the rental account. According to this statement, the Respondent's subsidized rent was \$300 per month and the total arrears at the end of the tenancy were \$10,828.06. This balance includes a charge of \$1,315.13 for tenant damages from June 2012. Not only is this charge not rental arrears it was also dismissed by the Rental Officer (Order #10-14964). Once this amount is removed from the balance, the revised balance owing for arrears is \$9,512.93.

At the hearing on January 8, 2020, based on my calculations of payments made on previously ordered arrears, I determined that Rental Officer Order #10-14679 for \$20,204.48 was sufficient to cover the enforcement on the remaining arrears. I agreed that the Respondent owed the full amount of \$9,512.93 but that I was not able to issue a further order.

After reviewing the lease balance statement as requested by the Applicant, I found that an error was made in my calculations. In reviewing the lease balance statement again I found that the Respondent had paid \$11,741.55 on the previously ordered arrears as a result of \$3,177.23 in CRA (Canada Revenue Agency) remittances and \$8,564.32 through Writs from the Sheriffs Office. When the amount of \$11,741.55 is deducted from the previously ordered arrears of \$20,204.48 that leaves \$8,462.93 still owing on the previous order. When \$8,462.93 is deducted from the current outstanding balance of \$9,512.93, I find that the Respondent currently owes a further \$1,050 in rental arrears.

I am satisfied the adjusted lease balance statement accurately reflects the current status of the Respondents' rent account. I find the Respondent currently owes \$1,050 in arrears. This is in addition to the outstanding arrears owing from the previous order (\$8,462.93).

Orders

An order will be issued requiring the Respondent to pay rental arrears of \$1,050 (p. 41(4)(a)).

Janice Laycock
Rental Officer