

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

EB

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 9, 2021
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	PS, representing the Applicant
<u>Date of Decision:</u>	November 12, 2021

REASONS FOR DECISION

An application to a rental officer made by YHA as the Applicant/Landlord against EB as the Respondent/Tenant was filed by the Rental Office October 8, 2021. The application was made regarding a residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The filed application was sent to the Respondent by registered mail deemed served October 29, 2021, pursuant to subsection 71(5) of the *Residential Tenancies Act* (the Act).

The Applicant alleged the Respondent had repeatedly failed to pay rent, had accumulated rental arrears, had failed to report household income as required, and had failed to maintain the electricity account to the rental premises. An order was sought for payment of the rental arrears, payment of future rent on time, compliance with the obligation to report household income, compliance with the obligation to maintain the electricity account, conditional termination of the tenancy, and eviction.

A hearing was held November 9, 2021, by three-way teleconference. PS appeared representing the Applicant. EB was sent notice of the hearing by registered mail deemed served October 29, 2021. I called the Respondent at the telephone number provided in the application and spoke with her on November 4, 2021, notifying her that the application package sent to her by the Applicant was waiting to be picked up and the date of the hearing. I provided her with the registered mail tracking number so that she could pick up the mail. 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 Act.

Tenancy agreement

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing August 17, 2020. After the hearing the Applicant attended the rental premises and discovered that the Respondent had already vacated the rental premises. The Applicant deemed the rental premises abandoned and repossessed the premises November 12, 2021. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Rental arrears and household income

The lease balance statement entered into evidence represents the Landlord's accounting of monthly rents and payments received against the Respondent's rent account. All rents up to and including June 2021 were subsidized and last assessed at \$80 per month. All rents since July 2021 were unsubsidized and charged at the maximum monthly rent for the unit of \$1,625. The last payment received against the rent account was recorded April 12, 2021 in the amount of \$80. The Respondent carried a rent credit balance until July 2021.

Section 6 of the written tenancy agreement requires tenants in subsidized public housing to report their household income on an annual basis by providing the total household income for the prior calendar year to the Landlord before June 30th of the current year. The rent subsidy is then calculated for the forthcoming July to June period. The Applicant confirmed that the Respondent had not to date provided her 2020 household income information, despite repeated reminders to do so. Consequently, the Respondent was ineligible for any rent subsidy and the unsubsidized rent was appropriately charged.

Upon deeming the rental premises abandoned, the Applicant prorated the rent for November 2021 and provided an updated lease balance statement reflecting the adjusted rental arrears.

I am satisfied the updated lease balance statement accurately reflects the current status of the Respondent's rent account. I find the Respondent has accumulated rental arrears in the amount of \$6,497.50. That amount represents approximately five months' unsubsidized rent.

Utilities, termination of the tenancy, and eviction

At the hearing I had made findings that the Respondent had failed to comply with her obligation to maintain the electricity account to the rental premises. As of the hearing date the electricity remained disconnected and had been so since August 24, 2021. I had also made findings that conditional termination of the tenancy was justified dependent on the electricity being restored to the rental premises, on household income being reported for the 2020 calendar year, on the rental arrears being paid in full, and on the monthly subsidized rents being paid on time.

Given the discovery of the abandoned rental premises, all the orders issued at the hearing except the order to pay rental arrears are now rendered moot. Therefore, none of those orders except the order to pay rental arrears will be made.

Order

An order will issue requiring the Respondent to pay rental arrears in the amount of \$6,497.50 (p. 41(4)(a)).

Adelle Guigon
Rental Officer