

IN THE MATTER between **NTHC**, Applicant, and **EFJW**, 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, regarding a
rental premises located within the **community of Behchoko in the Northwest
Territories**;;

BETWEEN:

NTHC

Applicant/Landlord

-and-

EFJW

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 12, 2022

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: TM, Tenant Relation Officer, BKGK, representing the Applicant
Micheal Dawodu, Programs Manager, NSDO, representing the
Applicant
LE, Finance Officer, BKGK, representing the Applicant
DG, Manager, BKGK, representing the Applicant

Date of Decision: July 12, 2022

REASONS FOR DECISION

An application to a rental officer made by BKGK on behalf of the NTHC as the Applicant/Landlord against FJW as the Respondent/Tenant was filed by the Rental Office May 20, 2022. The application was made regarding a residential tenancy agreement for a rental premises located in Behchoko, Northwest Territories. The filed application was personally served on CT, spouse of the Respondent, on June 3, 2022.

The Applicant alleged the Respondent had repeatedly failed to pay rent, had accumulated rental arrears, and had failed to comply with rental officer orders to pay rental arrears and to pay future rent on time. An order was sought for payment of the rental arrears.

A hearing was held July 12, 2022, by three-way teleconference. TM, MD, LE, and DG appeared at the hearing representing the Applicant. CT was personally served substitutionally for FJW with notice of the hearing on June 3, 2022. No one appeared at the hearing for the Respondent. The hearing proceeded in the absence of any representatives for the Respondent pursuant to subsection 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer was made against FJW, who passed away October 14, 2021. She left behind her spouse CT as her next of kin. Given that the remedies applied for are in fact being sought from the Respondent's estate, the parties agreed at the hearing to the amendment of the application to reflect the Respondent as the EFJW. The style of cause for this matter going forward will be NTHC v. EFJW.

Tenancy agreement

Evidence was presented establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2012. The tenancy ended effective October 15, 2021, upon the death of the Respondent on October 14, 2021. I am satisfied a valid tenancy agreement was in place in accordance with the Act.

Previous orders

Rental Officer Order #16186 issued September 6, 2018, ordered the Respondent to pay rental arrears in the amount of \$8,225 and to pay her future rent on time. The monetary order was only partially satisfied with extra payments made by the Respondent against her rent account as of October 28, 2019, and garnishments taken between April 2020 and April 2021. There remains an outstanding balance under this order of \$1,184.33 which remains enforceable by garnishment through the Supreme Court.

Rental arrears

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 had been subsidized and were last assessed at \$845 per month. Either insufficient payments or no payments were received in 24 of the last 24 months of the tenancy. The security deposit of \$735.51 was appropriately retained against the rental arrears at the end of the tenancy.

I am satisfied the 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 \$18,928.33, which represents approximately 18 months' subsidized rent. After the deductions of the security deposit and the remaining balance owing under Rental Officer Order #16186, I find the Respondent has accumulated additional rental arrears since the last rental officer order was issued in the amount of \$17,008.49.

Order

An order will issue requiring the Respondent's estate to pay the rental arrears accumulated since the last rental officer order was issued in the amount of \$17,008.49.

Adelle Guigon
Rental Officer