

IN THE MATTER between **HNT**, Applicant, and **AR and TM**, 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, regarding a rental premises located within the **community of Lutselk'e in the Northwest Territories**.

BETWEEN:

HNT

Applicant/Landlord

-and-

AR and TM

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 31, 2023
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	EN, representing the Applicant
<u>Date of Decision:</u>	May 31, 2023

REASONS FOR DECISION

An application to a rental officer made by the LHA on behalf of HNT as the Applicant/Landlord against AR and TM as the Respondents/Tenants was filed by the Rental Office March 21, 2023. The application was made regarding a residential tenancy agreement for a rental premises located in Lutsel k'e, Northwest Territories. The filed application was personally served on the Respondents May 1, 2023.

The Applicant claimed the Respondents had failed to pay rent when due and had accumulated significant rental arrears. An order was sought for payment of rental arrears and to pay rent on time in the future.

A hearing was held scheduled for April 19, 2023, but as confirmation of service was not provided by the Applicant to the Rental Office, the hearing was rescheduled for May 31, 2023, by teleconference. EN appeared representing the Applicant. The Respondents did not appear, nor did anyone appear on their behalf. As the Respondents had been provided sufficient notice of the hearing by personal service on May 1, 2023, the hearing proceeded in their absence as provided for under subsection 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

Evidence was provided establishing a residential tenancy agreement for subsidized public housing commencing on April 1, 2012, and continuing month to month. The assessed rent is currently \$1,155 per month.

I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Previous orders

Previous Rental Officer Order file #15343, NTHC v AR and TM, issued on March 23, 2017, required the Respondents to pay rental arrears in the amount of \$7,534.14 and pay rent on time in the future.

Previous Rental Officer Order file #10-14323, NTHC v AR and TM, issued on December 15, 2014, required the Respondents to pay rental arrears in the amount of \$1,470 and pay rent on time in the future.

Previous Rental Officer Order file #10-12996, LHA v AR and TM, issued October 2, 2012, required the Respondents to pay rental arrears in the amount of \$35,194, pay rent on time and comply with obligation to report household income.

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Rental arrears

The applicant provided, as evidence, an updated lease balance statement dated May 30, 2023, as well as the statement provided with the filed application. The statements represent the Landlord's accounting of monthly rents and payments made against the Respondents' account. According to the updated statement on May 30, 2023, the balance owing was \$27,557.13. This amount includes a charge for tenant damages of \$535.51, which is not part of this application. Once this amount is deducted, the total owing for rent is \$27,021.62.

The Applicant testified that previous Rental Officer Order #15343 had been satisfied. Based on the evidence and testimony, I am satisfied that the previous Rental Officer Order has been satisfied, and find that the Respondents currently owe \$27,021.62 in accrued rental arrears. An order will issue for payment of arrears and to pay their rent on time in the future.

The Applicant did not seek termination of the Respondents' tenancy agreement or eviction at this time, despite the Respondents not complying with previous orders to pay rent on time, and the significant arrears they have accrued. I caution the Respondents to take steps to address the arrears or they may face a new application for termination of their tenancy agreement and eviction.

Orders

An order will issue:

- requiring the Respondents to pay rental arrears owing in the amount of \$27,021.62 (p. 41(4)(a)); and
- requiring the Respondents to pay their rent on time in the future (p. 41(4)(b)).

Janice Laycock
Rental Officer