

IN THE MATTER between **HNT**, Applicant, and **MI and NM**, 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-

**MI and NM**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** May 31, 2023

**Place of the Hearing:** Yellowknife, Northwest Territories

**Appearances at Hearing:** EN, representing the Applicant  
MI and NM, the Respondents

**Date of Decision:** May 31, 2023

### **REASONS FOR DECISION**

An application to a rental officer made by HNT as the Applicant/Landlord against MI and NM 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 Respondent May 10, 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, to pay rent on time in the future, as well as termination of the tenancy agreement, eviction, and compensation for use and occupation.

A hearing was scheduled for April 20, 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, MI and NM, appeared at the hearing.

#### *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 \$1,445 per month.

I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

#### *Previous orders*

Previous Rental Officer Order file #16107, NTHC v MI and NM issued July 25, 2018, required the Respondents to pay rental arrears in the amount of \$3,239.50 and pay rent on time in the future. Termination of the tenancy agreement October 31, 2018, unless rental arrears are paid in full and rents for August, September, and October 2018 are paid on time. If the tenancy is termination, then eviction November 1, 2018.

Previous Rental Officer Order file #15348, NTHC v MI and NM issued February 9, 2017. This order rescinded paragraph 1 of order 10-14322 and required the Respondents to pay rental arrears in the amount of \$8,592.71 and pay rent on time in the future. Termination of the tenancy agreement March 31, 2017, unless at least \$5,500 is paid towards rental arrears and rent for February and March 2017 are paid on time. If the tenancy is terminated, then eviction on April 1, 2017.

Previous Rental Officer Order file #10-14322, LHA v NM and MI, hearing was November 26, 2014, required the Respondents to pay arrears \$8,935 in minimum monthly installments of \$100 until arrears paid, pay rent on time.

Previous Rental Officer Order file #10-12984, LHA v MI and NM issued October 2, 2012. Required MI to pay arrears \$1,447.11 and MI and NM to pay rent arrears in the amount of \$4,133, pay rent on time in the future and report household income.

Previous Rental Officer Order file #10-10234, LHA v MI dated July 19, 2008, to pay arrears of \$929 in installments of \$50 and pay rent on time.

#### *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 \$26,180.00 and the previous Rental Officer Order file #16107 had been satisfied.

At the hearing, the Applicant testified the Respondents were successful in security funding through Jordan's Principle to pay off the majority of the current arrears (\$21,400) and now owed only \$4,780. The Applicant withdrew their request for termination of the tenancy agreement and eviction. The Respondents testified that they had struggled lately, but would be able to pay off the remainder of their arrears with their income tax return.

At the hearing, I pointed out that this was not the first Rental Officer Order relating to rental arrears, but applauded the Respondents the steps they had taken to secure funding. I found the Respondents owe \$4,780 in arrears and an order to pay their rent on time in the future was warranted.

#### *Orders*

An order will issue:

- requiring the Respondents to pay rental arrears owing in the amount of \$4,780 (p. 41(4)(a)); and
- requiring the Respondents to pay their rent on time in the future (p. 41(4)(b)).

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Janice Laycock  
Rental Officer