

IN THE MATTER between **HNT**, Applicant, and **RJ**, 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 **Janice Laycock**, Rental Officer, regarding a rental premises located within the **town of Inuvik in the Northwest Territories**.

BETWEEN:

**HNT**

Applicant/Landlord

-and-

**RJ**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** May 22, 2024

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

**Appearances at Hearing:** CC, representing the Applicant

**Date of Decision:** May 22, 2024

### **REASONS FOR DECISION**

An application to a rental officer made by IHA on behalf of HNT as the Applicant/Landlord against RJ as the Respondent/Tenant was filed by the Rental Office February 15, 2024. The application was made regarding a residential tenancy agreement for a rental premises located in Inuvik, Northwest Territories. The filed application was served on the Respondent by registered mail on March 26, 2024.

The Applicant claimed the Respondent had rental arrears owing at the end of their tenancy and was responsible for costs to repair damages. An order was sought for payment of rental arrears and costs to repair damages.

A hearing was held on May 22, 2024, by three-way teleconference. Notices were provided to all parties. CC appeared representing the Applicant. The Respondent did not appear, nor did anyone appear on their behalf. As the Respondent was served sufficient notice, the hearing proceeded in their absence as provided for under subsection 80(2) of the *Residential Tenancies Act* (the Act).

At the hearing, a decision was made on the rental arrears and the following relates to those arrears. I reserved my decision on the claim for tenant damages pending further information, and I will deal with that claim in a separate order and reasons.

#### *Previous orders*

Previous Rental Officer Order #20-12427, IHA v RJ and JB, issued November 18, 2011, requiring the Respondents to pay rent arrears in the amount of \$7,717.82, terminating the tenancy agreement on December 15, 2011 and compensation for use and occupation after termination.

Previous Rental Officer Order #20-12427B, IHA v RJ and JB, Issued November 18, 2011, evicting the Respondents from the rental premises on December 16, 2011.

#### *Tenancy agreement*

The Applicant provided, as evidence, the written tenancy agreement between the parties for subsidized public housing for the term April 1, 2019 to April 30, 2019, continued to May 31, 2019, and then starting June 1, 2019, the tenancy continued month to month. The tenancy was terminated on April 28, 2023 when the Landlord determined the tenancy had been abandoned.

The Applicant testified the Respondent left the community for medical reasons but then did not return and were reported to be living in Yellowknife. The Respondent did not provide documentation to confirm their medical travel status nor did they pay their rent. After repeated notices to the Respondent, the Applicant determined the tenancy was abandoned and took possession of the rental unit on April 28, 2023.

I am satisfied that there was a valid tenancy agreement between the parties in accordance with the Act. This tenancy was abandoned on April 28, 2023.

#### *Rental arrears*

The lease balance statement provided, as evidence, represents the Landlord's accounting of monthly rents and payments received against the Respondents' rent account. According to the statement, after a \$0 balance owing in December 2021, the Respondent did not pay any rent and at the end of their tenancy had rental arrears owing totalling \$10,495.

I am satisfied the lease balance statement accurately reflects the current status of the Respondents' rent account. I find at the Respondents has rental arrears owing totalling \$10,495. According to the Applicant, the security deposit with interest is \$1,606.11 and when this amount is applied against the rental arrears owing, I find total that can be ordered is \$8,888.89.

#### *Orders*

An order will issue requiring the Respondent to pay rental arrears owing in the amount of \$8,888.89 (p. 41(4)(a)).

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Janice Laycock  
Rental Officer