

1. STATEMENT OF POLICY

Housing NWT and/or its agent, a Local Housing Organization may evict an individual from Public Housing where the tenancy has ended or been terminated and the individual does not voluntarily leave a public housing unit.

2. PRINCIPLES

Housing NWT will adhere to the following principles when implementing this policy:

- (1) Housing NWT must give tenants of Public Housing every opportunity to succeed with their tenancies
- (2) Housing NWT must be fair in the allocation of Public Housing
- (3) Fairness is owed to those on waiting lists for public housing: allowing former tenants to stay in public housing after the Rental Officer has ruled that the tenancy should end is unfair to persons who are waiting to access public housing, and can result in other costs to the public.
- (4) Housing NWT, as a landlord, has an obligation under sections 34, 43 and 44 of the *Residential Tenancy Act* to protect all tenants' quiet enjoyment of their public housing units.
- (5) Local Housing Organizations are Housing NWT's community-based agents in the administration of Public Housing and are best placed to monitor the success of tenants of Public Housing.
- (6) The Minister and Housing NWT are bound by orders of the Rental Officer and the Supreme Court and will only question them through legal appeal channels.
- (7) Humanitarian and compassionate reasons (for example, death in the family or severe weather) may result in a need to change the time at which an eviction is carried out.

3. SCOPE

This policy guides evictions from Public Housing.

4. DEFINITIONS

The following terms apply to this policy:

Tenant Success Plan means a checklist prescribed by Housing NWT for use by Local Housing Organizations setting out a list of actions taken to promote the success of a tenancy and to avoid eviction of a tenant.

Local Housing Organization means a local housing authority, a local housing association, or a housing division of a community government acting as agent for Housing NWT.

Public Housing means subsidized social housing administered by Housing NWT.

5. AUTHORITY AND ACCOUNTABILITY

(1) Minister

This policy is direction issued by the Minister to the President of Housing NWT under section 5 of the *Housing Northwest Territories Act*.

(2) President

The President of Housing NWT is accountable to the Minister for the administration of this Policy.

(3) Local Housing Organizations

Community Housing Services Agreements make Local Housing Organizations responsible for delivering housing programs and services in accordance with this and other Housing NWT policies.

6. PROVISIONS

- (1) Subject to the extraordinary circumstances described in section 54 of the Residential Tenancies Act on expedited termination and eviction, an Eviction

POLICY

Evictions from Public Housing

Order will only be sought after actions under a Tenancy Success Plan have been exhausted.

- (2) The goal of Housing NWT is to assist a tenant to come into compliance with their tenancy agreement, or any conditions that the Rental Officer may include in a conditional Eviction Order, in an effort to avoid eviction.
- (3) Housing NWT and/or a Local Housing Organization will not act contrary to a decision and reasons of the Rental Officer, a legal decision-maker specifically designed to provide a fair hearing to tenants.
- (4) If an appeal of an Eviction Order of the Rental Officer is not filed within 14 days, Housing NWT and/or a Local Housing Authority will file the order with the Supreme Court of the Northwest Territories as soon as possible after the expiry of the appeal period.
- (5) For greater certainty, Housing NWT's appeals process does not apply to evictions.
- (6) Where efforts to bring the former tenant into compliance with a tenancy agreement and/or conditions of an Eviction Order are not successful, and where that tenant does not move out of Public Housing voluntarily, Housing NWT will request that the Sherriff take possession of the rental unit from the former tenant.
- (7) Housing NWT may exercise discretion on the timing of an eviction, for humanitarian and compassionate reasons.
- (8) Housing NWT may seek compensation from a former tenant for the amount of time between the termination of their tenancy agreement and the date on which they leave or are removed from the rental unit.

7. PREROGATIVE OF MINISTER

Nothing in this policy shall, in any way, be construed to limit the prerogative of the Minister to issue directions to the President of the Corporation on the conduct of the affairs of the corporation.¹ Such prerogative in respect of evictions is subject to any limitations set out in the *Residential Tenancies Act*, or in an order or decision of a rental officer, which is binding on the Government of the Northwest Territories and all Local Housing Organizations.² Any exception to this policy will require substantiation in writing and must be recorded with the Northwest Territories Housing Corporation.

¹ *Housing Northwest Territories Act*, s. 5.

² *Residential Tenancies Act*, s. 8 and s.85.

POLICY

Evictions from Public Housing