

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
GARY LAZARE-ZOE AND CYNTHIA DRYBONES, Respondents;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **GAMETI, NT**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

GARY LAZARE-ZOE AND CYNTHIA DRYBONES

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent Gary Lazare-Zoe shall pay the applicant rent arrears in the amount of thirteen thousand seven hundred twenty eight dollars and fifty cents (\$13,728.50) in monthly installments of one hundred dollars (\$100.00) payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on August 31, 2013.

DATED at the City of Yellowknife, in the Northwest Territories this 13th day of August,
2013.

Hal Logsdon
Rental Officer

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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

GARY LAZARE-ZOE AND CYNTHIA DRYBONES

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 6, 2013

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Michael Keohane, representing the applicant
Gerry Cheezie, representing the applicant
Jessica Relucio, representing the applicant
Gary Lazare-Zoe, respondent
Cynthia Drybones, respondent
Melinda McGee, witness

Date of Decision: August 6, 2013

REASONS FOR DECISION

These premises are subsidized public housing. The tenancy agreement between the parties commenced on July 1, 2005 and was made for a term of two years. No new tenancy agreement was executed after June 30, 2007 but the applicant continued to charge a subsidized rent based on household income and took no action to evict the tenants. The applicant stated that they considered the respondents to be overholding but in my opinion, their action, or lack of it, implies a continuing tenancy agreement.

The applicant stated that the relationship between the respondents ended in October, 2009 and Ms Drybones moved out and left the community. The applicant stated that he attempted to have Ms Drybones execute documents which would release her from the obligations of the tenancy agreement but was unsuccessful. In July, 2011 Ms McGee contacted the applicant informing him that she was the spouse of Mr Lazare-Zoe and had been residing in the premises since February, 2010. Ms McGee and Mr. Lazare-Zoe have provided household income information and the applicant has retroactively adjusted the rent assessments.

The applicant provided a statement of the rent account in evidence which indicated a balance owing of \$13,687.50 as at July 1, 2013. The applicant stated that since that date, the August rent of \$241 had come due and a payment of \$200 had been made (by Ms Drybones) bringing the balance owing to \$13,728.50. The applicant stated that they did not think it was fair to hold Ms Drybones accountable for the arrears as the accumulated arrears to October, 2009 amounted to

only a few hundred dollars. The applicant sought an order for the rent arrears against Mr. Lazare-Zoe only. Mr. Lazare-Zoe did not dispute the amount owing and the parties agreed that the arrears should be paid in monthly installments of \$100.

Ms Drybones stated that she had no interest in the tenancy. In my opinion, the applicant can reasonably consider the tenancy agreement terminated and should execute a new tenancy agreement with Mr. Lazare-Zoe and Ms McGee as joint tenants and collect a security deposit from them. The security deposit and accrued interest currently held by the applicant should be applied to the satisfaction of this order. An inspection report should be completed in accordance with section 15 of the *Residential Tenancies Act*.

Hal Logsdon
Rental Officer