

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Adrian Drakes (Bilodeau)**, Respondent;

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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

ADRIAN DRAKES (BILODEAU)

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 21st day of February 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Adrian Drakes (Bilodeau)**, 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

ADRIAN DRAKES (BILODEAU)

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 28, 2014

Place of the Hearing: Hay River, Northwest Territories, via Teleconference

Appearances at Hearing: Adam Swanson, representing the Applicant

Date of Decision: January 28, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Adrian Drakes (Bilodeau) as the respondent/tenant was filed by the Rental Office October 15, 2013. The application was made regarding a residential tenancy agreement for the rental premises known as 10A - 102 Street in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by personal service October 21, 2013.

The applicant alleged at the time of the application that the tenant had accumulated rental arrears and was no longer eligible for subsidized public housing. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for January 28, 2014. Both parties were served notices of attendance by registered mail. Mr. Adam Swanson appeared representing the applicant. Mr. Adrian Drakes signed for his notice January 22, 2014; he did not appear at hearing, nor did anyone appear to represent him. The hearing proceeded in his absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Swanson testified that at the time the application to a rental officer was made Mr. Drakes was incarcerated and his ex-wife had failed to pay the rent as required; she had removed herself from the tenancy agreement, with Mr. Drakes' consent, and moved out of the rental premises. At the time, the vacancy of the rental premises due to Mr. Drakes' incarceration constituted an ineligibility for the subsidized public housing and the accumulation of rental arrears attributed to the landlord's request to terminate the tenancy and seek payment of rental arrears.

Since the making of the application, Mr. Drakes has been released from custody, is residing at the rental premises, and has paid his rental arrears. Mr. Swanson testified that the applicant is no longer seeking termination of the tenancy agreement and requested an order that the respondent pay his rent on time in the future.

Tenancy agreement

The tenancy agreement entered into evidence is for a fixed-term tenancy in subsidized public housing commencing March 1, 2013, and ending September 30, 2013, thereafter reverting to a periodic month-to-month tenancy. I am satisfied a valid tenancy agreement is in place.

Late payment of rent

The statements of account and client aged detail entered into evidence represent the landlord's accounting of assessed monthly rent and payments made against the account. I am satisfied these documents accurately reflect payments made by the tenant. These documents concur with Mr. Swanson's testimony that the tenant has repeatedly been late paying rent.

An order will issue for the respondent to pay his rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts dated October 11, 2013
- Exhibit 2: Residential tenancy agreement - fixed term lease dated February 21, 2013
- Exhibit 3: Statement of account dated October 8, 2013, for September 1, 2012, to October 1, 2013
- Exhibit 4: Applicant's outstanding rental arrears correspondence to respondent dated September 24, 2013
- Exhibit 5: Applicant's outstanding account correspondence to respondent dated September 9, 2013
- Exhibit 6: Statement of account dated August 12, 2013, for September 1, 2012, to August 2, 2013
- Exhibit 7: Applicant's overdue account correspondence to respondent dated June 19, 2013
- Exhibit 8: Applicant's overdue rent correspondence to respondent dated May 15, 2013
- Exhibit 9: Applicant's overdue rent correspondence to respondent dated April 18, 2013
- Exhibit 10: Statement of account dated October 11, 2013, for September 1, 2012, to October 1, 2013
- Exhibit 11: Client aged detail dated October 11, 2013, for November 1, 2007, to October 1, 2013
- Exhibit 12: Statutory declaration dated October 3, 2013, made before a commissioner for oaths of Tracey Sabourin requesting removal from the lease agreement
- Exhibit 13: Applicant's note to file dated September 30, 2013, regarding the respondent's request to remove Tracey Sabourin from the lease agreement
- Exhibit 14: Applicant's note to file dated October 3, 2013, regarding the respondent's requirement to provide documentary evidence of work release
- Exhibit 15: South Mackenzie Correctional Centre's Adrian Drakes housing unit 10A - 102 Street correspondence to applicant dated October 7, 2013, confirming the respondent's expected release date of December 15, 2013, and requirement for housing
- Exhibit 16: E-mail conversation between Adam Swanson (applicant) and Lorraine McDonald (respondent's case worker) dated between October 7 to 10, 2013
- Exhibit 17: Applicant's notice of termination of tenancy correspondence to respondent dated October 11, 2013, terminating the tenancy agreement October 23, 2013