

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and **Deborah Jerome**, 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, regarding a rental premises located within the **Hamlet of Fort McPherson in the Northwest Territories**.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

DEBORAH JEROME

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$408.61 (four hundred eight dollars sixty one cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

3. Pursuant to section 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as #0096 Johnny Kaye Avenue in Fort McPherson will terminate March 31, 2014, unless the rental arrears are paid in full by that date.

DATED at the City of Yellowknife in the Northwest Territories this 12th day of February 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and
Deborah Jerome, Respondent.

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BETWEEN:

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-and-

DEBORAH JEROME

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REASONS FOR DECISION

Date of the Hearing: January 16, 2014

Place of the Hearing: Fort McPherson, Northwest Territories, via Teleconference

Appearances at Hearing: Shirley Wilson, representing the Applicant
Deborah Jerome, representing herself as the Respondent

Date of Decision: January 16, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort McPherson Housing Association as the applicant/landlord against Deborah Jerome as the respondent/tenant was filed by the Rental Office December 2, 2013. The application was made regarding a tenancy agreement for the rental premises known as #0096 Johnny Kaye Avenue in Fort McPherson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for December 12, 2013.

The applicant alleged the tenant had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for January 16, 2014. Notices of attendance were served on both parties. Ms. Shirley Wilson appeared representing the applicant; Ms. Deborah Jerome appeared representing herself as the respondent.

Ms. Wilson testified that the respondent had been a tenant of the applicant in subsidized public housing since October 21, 1999. The respondent had accumulated rental arrears and a notice was sent to the respondent July 12, 2013, demanding payment of rental arrears on or before July 26, 2013. A notice terminating the tenancy agreement August 16, 2013, pursuant to section 54(1) of the *Residential Tenancies Act* for failing to pay rent as demanded was sent to the respondent July 31, 2013. The rental arrears as of July 31, 2013, were \$915.53. Ms. Wilson claimed the rental arrears as of January 16, 2014, were \$565.53 and requested an order for payment of the arrears and terminating the tenancy agreement if the arrears are not paid in full.

Ms. Jerome did not dispute the amount of the arrears and testified that she had just started full-time employment from which she expected to be able to pay her arrears in full by March 2014.

In review of the application prior to hearing I noted two "other" charges in the tenant ledger for \$85.09 and \$71.88. When queried, Ms. Wilson confirmed these were charges for tenant damages of which she did not intend to apply for compensation at this time. The rental arrears owing as of January 16, 2014, were amended to \$408.61.

Tenancy agreement

Ms. Wilson testified that Ms. Jerome had been a tenant of the applicant in subsidized public housing since October 21, 1999. A residential tenancy agreement submitted into evidence dated April 1, 2012, is for subsidized public housing for a periodic (month-to-month) tenancy starting April 1, 2012. Ms. Jerome did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement is in place.

Rental arrears

The tenant ledger cards submitted into evidence are the landlord's accounting of assessed rent and payments made by the respondent between April 4, 2013, and January 16, 2014. Ms. Jerome did not dispute the contents of the tenant ledger cards. I am satisfied the tenant ledger cards accurately represent payments made by Ms. Jerome. I find Ms. Jerome has accumulated rental arrears of \$408.61.

Termination of the tenancy agreement

Ms. Wilson requested an order terminating the tenancy agreement if Ms. Jerome does not pay her rental arrears. She testified that Ms. Jerome's assessed rent averages \$70 per month. Considering the amount of rental arrears essentially represents approximately five months of rent, Ms. Wilson's request to terminate the tenancy agreement is justified. Further considering Ms. Jerome's change in employment status and her current ability to pay the rental arrears, and considering Ms. Jerome does not have a history of being brought before a rental officer, I find conditions to the termination of the tenancy agreement are appropriate.

An order will issue requiring Ms. Jerome to pay rental arrears of \$408.61, to pay her rent on time in the future, and terminating the tenancy agreement March 31, 2014, unless the rental arrears are paid in full by that date.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement - indeterminate lease dated April 1, 2012

Exhibit 2: Tenant ledger card for rent from April 4, 2013, to October 18, 2013

Exhibit 3: Applicant's demand notice correspondence to respondent dated July 12, 2013

Exhibit 4: Applicant's termination notice correspondence to respondent dated July 31, 2013

Exhibit 5: Tenant ledger card for rent from April 4, 2013, to January 13, 2014

Exhibit 6: Tenant ledger card for rent from December 31, 2013, to January 16, 2014