

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Kerry Giroux**, 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 **town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

KERRY GIROUX

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$1,761.32 (one thousand seven hundred sixty-one dollars thirty-two cents) in minimum monthly installments of \$100.00 (one hundred dollars) starting April 1, 2014, and each month thereafter until the rental arrears are paid in full.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 31st day of March 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Kerry Giroux**, 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-

KERRY GIROUX

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 18, 2014

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

Appearances at Hearing: Adam Swanson, representing the applicant
Kerry Giroux, respondent

Date of Decision: March 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Kerry Giroux as the respondent/tenant was filed by the Rental Office January 16, 2014. The application was made regarding a residential tenancy agreement for subsidized public housing for the rental premises known as 7 Dessy Place in Hay River, Northwest Territories. The applicant served a copy of the filed application package on the respondent by personal service January 21, 2014.

The applicant alleged in the application the tenant had accumulated rental arrears and accrued costs for the repair of damages to the rental premises. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 18, 2014. Mr. Adam Swanson appeared representing the applicant; Ms. Kerry Giroux appeared representing herself as the respondent/tenant.

The parties agreed that Ms. Giroux currently had accumulated rental arrears in the amount of \$1,761.32. Ms. Giroux testified to, and Mr. Swanson acknowledged, that she had been having addictions issues for some time and had just returned from attending a treatment program during the months of January and February. Mr. Swanson confirmed that Ms. Giroux is very good about staying in contact with the applicant, even during her period of treatment, and that she has not been evasive; the applicant would prefer to enter into a payment plan with Ms. Giroux rather than pursuing termination of the tenancy agreement as was originally applied for, and requested an order that incorporates a payment plan and requires Ms. Giroux to pay her rent on time in the future. Ms. Giroux agreed a payment plan would be preferable, and although her income is limited at present she indicated she could afford to pay \$100 per month towards her rental arrears in addition to her assessed monthly rent.

The parties did not dispute the existence of a tenancy agreement for subsidized public housing, nor did the parties dispute the tenant's obligation to pay rent and pay it on time. The client aged report submitted into evidence by the applicant supports the claim of \$1,761.32 in rental arrears and reflects the repeatedly late payment of rent throughout the tenancy. I find Ms. Giroux has accumulated rental arrears in the amount of \$1,761.32 and I am satisfied that an order for payment of the arrears in minimum monthly installments of \$100 and that she pay her rent on time in the future is justified.

An order will issue for Ms. Giroux to pay the applicant \$1,761.32 in rental arrears in monthly installments of \$100 starting April 1, 2014, and every month thereafter until the rental arrears are paid in full, and that she pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts
- Exhibit 2: Residential tenancy agreement - indeterminate lease dated April 1, 2012
- Exhibit 3: Applicant's outstanding rental arrears correspondence to respondent dated December 11, 2013
- Exhibit 4: Agreement to pay rental arrears - current tenants dated June 26, 2013
- Exhibit 5: Applicant's damages correspondence to respondent dated November 5, 2013
- Exhibit 6: Applicant's work order number WO-1,263 dated October 28, 2013
- Exhibit 7: Applicant's invoice number 14188 dated November 5, 2013
- Exhibit 8: Applicant's invoice number 52812 dated November 5, 2013
- Exhibit 9: Applicant's overdue account correspondence to respondent dated October 21, 2013
- Exhibit 10: Applicant's overdue account correspondence to respondent dated October 8, 2013
- Exhibit 11: Applicant's overdue account correspondence to respondent dated September 24, 2013
- Exhibit 12: Applicant's change locks correspondence to respondent dated September 17, 2013
- Exhibit 13: Applicant's invoice number 47383 dated September 17, 2013
- Exhibit 14: Applicant's work order number WO-1,015 dated September 10, 2013
- Exhibit 15: Arrears payment agreement (promissory note) dated January 9, 2013
- Exhibit 16: Arrears payment agreement (promissory note) dated May 8, 2012
- Exhibit 17: Applicant's statement dated August 12, 2013
- Exhibit 18: Applicant's account arrears correspondence to respondent dated February 14, 2013
- Exhibit 19: Applicant's overdue account correspondence to respondent dated April 18, 2013
- Exhibit 20: Applicant's rental arrears correspondence to respondent dated May 15, 2013
- Exhibit 21: Applicant's overdue account correspondence to respondent dated February 13, 2013
- Exhibit 22: Applicant's overdue rent correspondence to respondent dated January 16, 2013

- Exhibit 23: Applicant's damages correspondence to respondent dated January 18, 2013
- Exhibit 24: Applicant's work order number WO-1,685 dated January 3, 2013
- Exhibit 25: Applicant's invoice number 12388 dated January 18, 2013
- Exhibit 26: Applicant's overdue account correspondence to respondent dated December 12, 2012
- Exhibit 27: Applicant's overdue account correspondence to respondent dated November 15, 2012
- Exhibit 28: Applicant's statement dated October 24, 2012
- Exhibit 29: Applicant's overdue account correspondence to respondent dated September 17, 2012
- Exhibit 30: Applicant's statement dated September 17, 2012
- Exhibit 31: Applicant's overdue account correspondence to respondent dated August 21, 2012
- Exhibit 32: Applicant's statement dated August 21, 2012
- Exhibit 33: Applicant's note to file dated August 8, 2012
- Exhibit 34: Applicant's overdue account correspondence to respondent dated July 23, 2012
- Exhibit 35: Applicant's statement dated July 23, 2012
- Exhibit 36: Applicant's statement dated June 18, 2012
- Exhibit 37: Applicant's statement dated May 22, 2012
- Exhibit 38: Applicant's invoice number 11042 dated April 30, 2012
- Exhibit 39: Applicant's work order number WO-98 dated April 10, 2012
- Exhibit 40: Applicant's work order number WO-105 dated April 27, 2012
- Exhibit 41: Applicant's statement dated April 19, 2012
- Exhibit 42: Applicant's invoice number 10824 dated March 28, 2012
- Exhibit 43: Applicant's work order number WO-1,923 dated March 8, 2012
- Exhibit 44: Applicant's overdue account correspondence to respondent dated March 21, 2012
- Exhibit 45: Applicant's statement dated March 21, 2012
- Exhibit 46: Applicant's statement dated February 21, 2012
- Exhibit 47: Applicant's overdue account correspondence to respondent dated November 22, 2011
- Exhibit 48: Applicant's statement dated November 22, 2011

- Exhibit 49: Applicant's statement dated October 20, 2011
- Exhibit 50: Applicant's statement dated July 20, 2011
- Exhibit 51: Applicant's statement dated April 27, 2011
- Exhibit 52: Applicant's account arrears correspondence to respondent dated January 19, 2011
- Exhibit 53: Applicant's statement dated January 18, 2011
- Exhibit 54: Applicant's overdue account correspondence to respondent dated December 17, 2010
- Exhibit 55: Applicant's statement dated December 17, 2010
- Exhibit 56: Applicant's invoice number 8940 dated December 16, 2010
- Exhibit 57: Applicant's work order number WO-1,906 dated December 2, 2010
- Exhibit 58: Applicant's statement dated November 22, 2010
- Exhibit 59: Applicant's statement dated October 20, 2010
- Exhibit 60: Applicant's overdue account correspondence to respondent dated August 20, 2010
- Exhibit 61: Applicant's statement dated August 20, 2010
- Exhibit 62: Applicant's correspondence to respondent dated July 19, 2010
- Exhibit 63: Applicant's statement dated July 19, 2010
- Exhibit 64: Applicant's statement dated January 15, 2014
- Exhibit 65: Client aged detail for June 1, 2010 to January 9, 2014
- Exhibit 66: Applicant's notice of termination of tenancy correspondence to respondent dated January 15, 2013
- Exhibit 67: Client aged detail for April 27, 2006, to March 1, 2014
- Exhibit 68: Applicant's statement dated March 14, 2014
- Exhibit 69: Applicant's overdue account correspondence to respondent dated March 7, 2014
- Exhibit 70: Applicant's statement dated February 24, 2014
- Exhibit 71: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated February 10, 2014
- Exhibit 72: Applicant's statement dated January 20, 2014