

IN THE MATTER between **Deline Housing Association**, Applicant, and **Jamie Takazo**, 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 charter community of Deline in the Northwest Territories**.

BETWEEN:

**DELINE HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**JAMIE TAKAZO**

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 \$500.00 (five hundred dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.
3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as Unit #0104 in Deline, Northwest Territories, will be terminated April 30, 2014, and the respondent must vacate the rental premises on that date, unless the rental arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 13th day of March 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Deline Housing Association**, Applicant, and **Jamie Takazo**, 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.

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-and-

**JAMIE TAKAZO**

Respondent/Tenant

**REASONS FOR DECISION**

|                                       |  |
|---------------------------------------|--|
| <b><u>Date of the Hearing:</u></b>    | <b>February 27, 2014</b>   |
| <b><u>Place of the Hearing:</u></b>   | <b>Deline, Northwest Territories</b>   |
| <b><u>Appearances at Hearing:</u></b> | <b>Phebie Kenny, representing the applicant<br/>Jamie Takazo, respondent</b> |
| <b><u>Date of Decision:</u></b>       | <b>February 27, 2014</b>   |

**REASONS FOR DECISION**

An application to a rental officer made by Deline Housing Association as the applicant/landlord against Jamie Takazo as the respondent/tenant was filed by the Rental Office December 18, 2013. The application was made regarding a residential tenancy agreement for the rental premises known as Unit #0104 in Deline, Northwest Territories. The applicant served a copy of the filed application package on the respondent by personal service January 8, 2014.

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

A hearing was scheduled for February 27, 2014. Both parties were served notices of attendance by registered mail signed for January 28, 2014. Ms. Phebie Kenny appeared representing the applicant; Mr. Jamie Takazo appeared representing himself as the respondent.

Ms. Kenny testified that Mr. Takazo is a tenant in subsidized public housing. At the time the application to a rental officer was made, Mr. Takazo had accumulated rental arrears of \$2,710. Mr. Takazo had been given five written notices since September 3, 2013, regarding the rental arrears and the consequences for failing to pay them. Since the making of the application, Mr. Takazo has been able to make substantial payments reducing the amount of rent outstanding to \$500. Ms. Kenny confirmed all rent calculations to date have been made based on reported household income; full economic rent has not been applied. She requested an order for payment of the rental arrears and termination of the tenancy agreement.

Mr. Takazo did not dispute the amount of the rental arrears. He asked for an extension to pay the remaining \$500 to April 30, 2014, as he is actively seeking employment and expects to have employment by then which would enable him to pay off the rental arrears.

Ms. Kenny agreed with Mr. Takazo's request and expressed faith in his ability to obtain employment and pay off his rental arrears. She was not opposed to an order for a conditional termination of the tenancy agreement for April 30<sup>th</sup>. She also recognized that this was the first time an application to a rental officer has been made against Mr. Takazo.

*Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant is between the parties for subsidized public housing on a month-to-month basis starting April 1, 2012. Mr. Takazo did not dispute the validity of the tenancy agreement. I am satisfied that a valid tenancy agreement is in place.

*Rental arrears*

The tenant ledger cards are the landlord's accounting of assessed monthly rent and payments made by the tenant. Mr. Takazo did not dispute the amounts reported. I am satisfied the tenant ledger cards accurately reflect the assessed rent and the payments made by Mr. Takazo. I find Mr. Takazo has accumulated rental arrears of \$500.

*Termination of the tenancy agreement*

Ms. Kenny has requested an order for termination of the tenancy agreement if Mr. Takazo fails to pay his rental arrears in full. Mr. Takazo did not dispute the necessity of this request and in fact requested time to pay the rental arrears to April 30, 2014. I appreciate the acknowledgement of time required to pay down the remaining rental arrears, and Mr. Takazo accepting responsibility for his obligations as a tenant. The rental arrears started accumulating in August 2012 and the payments made have been inconsistent throughout the tenancy. In my opinion, a conditional termination order is justified.

An order will issue for Mr. Takazo to pay rental arrears in the amount of \$500, to pay his rent on time in the future, and terminating the tenancy April 30, 2014, unless the rental arrears are paid in full.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement - indeterminate lease dated April 1, 2012
- Exhibit 2: Rent calculation forms for August 2012 to November 2013
- Exhibit 3: Applicant's application to the rental officer correspondence to respondent dated November 25, 2013
- Exhibit 4: Applicant's final notice - 60 days - outstanding rental arrears correspondence to respondent dated October 30, 2013
- Exhibit 5: Applicant's third notice - 45 days - outstanding rental arrears correspondence to respondent dated October 11, 2013
- Exhibit 6: Applicant's second notice - 30 days - outstanding rental arrears correspondence to respondent dated September 19, 2013
- Exhibit 7: Applicant's first notice - two weeks - outstanding rental arrears correspondence to respondent dated September 3, 2013
- Exhibit 8: Tenant ledger cards for rent from April 5, 2012, to November 25, 2013
- Exhibit 9: Tenant ledger cards for rent from April 4, 2013, to February 26, 2014