

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Ramona Cotchilly**, 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 -

RAMONA COTCHILLY

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a), 42(3)(e), and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears and compensation for repairs of damages to the rental premises in the total amount of \$939.73 (nine hundred thirty-nine dollars seventy-three cents) in minimum monthly installments of \$80.00 (eighty dollars) starting July 2014 until the total arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 24th day of June 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Ramona Cotchilly**, 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-

RAMONA COTCHILLY

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 19, 2014
<u>Place of the Hearing:</u>	Hay River, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Adam Swanson, representing the applicant Ramona Cotchilly, respondent
<u>Date of Decision:</u>	June 19, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Ramona Cotchilly as the respondent/tenant was filed by the Rental Office May 5, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by personal service May 12, 2014.

The applicant alleged the respondent had accumulated rental arrears and caused damages to the rental premises for which payment for repairs was outstanding. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for June 19, 2014. Mr. Adam Swanson appeared representing the applicant. Ms. Ramona Cotchilly appeared as respondent.

The parties agreed that Ms. Cotchilly has been a tenant in subsidized public housing since April 2009 and that Ms. Cotchilly initially occupied #2 Porritt Place until August 2013 when she was transferred to #2D Neville Place; the tenancy has been continuous throughout the transfer to this date.

Mr. Swanson explained the total outstanding amount of \$999.70 being claimed by the applicant represents rental arrears of \$240 and the cost of repairing damages to #2 Porritt Place of \$699.73. The reason Ms. Cotchilly was transferred from #2 Porritt Place to #2D Neville Place was due to the applicant's sale of the properties located in the subdivision locally known as Disneyland, of which #2 Porritt Place is a part.

Ms. Cotchilly acknowledged the rental arrears of \$240. In review of the outstanding repairs invoices, Ms. Cotchilly acknowledged the damages to #2 Porritt Place, indicating they were all caused by the actions of her brother who was living with her for a time. Mr. Swanson conceded the withdrawal of invoice number 12740 dated March 1, 2013, as it could not be confirmed whether the work the invoice referred to was a duplicate charge. Ms. Cotchilly accepted the costs of repairing the damages as her responsibility as the tenant and did not dispute the revised amount claimed of \$699.73.

I am satisfied: that a valid tenancy agreement is in place between the parties; that the transfer between units was in compliance with section 3 of the residential tenancy agreement; that the statement of account submitted by the applicant accurately represents assessed monthly rent, and payments made by the respondent; and that the invoiced amounts for the repair of damages are reasonable. As there is no dispute between the parties on any of these matters or the dollar amounts claimed, I find the respondent has accumulated rental arrears and is responsible for the costs of repairing damages to the rental premises. In discussion regarding the method of paying the total arrears, the parties agreed to incorporating a payment plan into the order for payment.

An order will issue for Ms. Cotchilly to pay rental arrears and compensation for the costs of repairs of damages in the total amount of \$939.73 to be paid in minimum monthly installments of \$80 starting in July 2014.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement indeterminate lease dated April 1, 2012
- Exhibit 2: Residential tenancy agreement fixed term lease dated January 1, 2010
- Exhibit 3: Residential tenancy agreement fixed term lease dated April 1, 2009
- Exhibit 4: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated April 23, 2014
- Exhibit 5: Statement of account dated April 9, 2014
- Exhibit 6: Agreement to pay rental arrears dated April 30, 2013
- Exhibit 7: Applicant's overdue account correspondence to respondent dated March 10, 2014
- Exhibit 8: Statements of account dated between June 18, 2009, and February 24, 2014
- Exhibit 9: E-mail conversation between Adam Swanson and Elizabeth Boucher dated November 26, 2013
- Exhibit 10: Arrears payment agreement (promissory note) made November 30, 2012
- Exhibit 11: Arrears payment agreement (promissory note) made August 9, 2011
- Exhibit 12: Statement of account dated August 9, 2011
- Exhibit 13: Applicant's outstanding rental arrears correspondence to respondent dated August 12, 2013
- Exhibit 14: Applicant's overdue rent correspondence to respondent dated June 20, 2013
- Exhibit 15: Applicant's overdue account correspondence to respondent dated May 16, 2013
- Exhibit 16: Applicant's damages correspondence to respondent dated May 16, 2013
- Exhibit 17: Applicant's invoices numbered 13113 and 36381 dated May 16, 2013
- Exhibit 18: Applicant's overdue account correspondence to respondent dated April 19, 2013
- Exhibit 19: Applicant's overdue rent correspondence to respondent dated March 15, 2013
- Exhibit 20: Applicant's damages correspondence to respondent dated March 1, 2013
- Exhibit 21: Applicant's work order number 1,970 dated February 22, 2013
- Exhibit 22: Applicant's invoices numbered 12741 and 28301 dated May 1, 2013
- Exhibit 23: Applicant's damages correspondence to respondent dated February 21, 2013
- Exhibit 24: Applicant's work order number 1,898 dated February 15, 2013
- Exhibit 25: Applicant's invoices numbered 12571 and 27310 dated February 21, 2013
- Exhibit 26: Applicant's damages correspondence to respondent dated February 4, 2013

- Exhibit 27: Applicant's work order number 1,834 dated January 30, 2013
- Exhibit 28: Applicant's invoices numbered 12563 and 25091 dated February 4, 2013
- Exhibit 29: Applicant's overdue account correspondence to respondent dated December 17, 2012
- Exhibit 30: Applicant's rental arrears correspondence to respondent dated November 16, 2012
- Exhibit 31: Applicant's invoice number 11986 dated November 2, 2012
- Exhibit 32: Applicant's work order number 1,052 dated October 18, 2012
- Exhibit 33: Applicant's overdue rent correspondence to respondent dated October 16, 2012
- Exhibit 34: Applicant's overdue account correspondence to respondent dated October 26, 2012
- Exhibit 35: Applicant's invoices numbered 11784 and 11912 dated September 20, 2012
- Exhibit 36: Applicant's work order number 888 dated September 5, 2012
- Exhibit 37: Applicant's overdue account correspondence to respondent dated September 17, 2012
- Exhibit 38: Condition rating report signed May 29, 2012
- Exhibit 39: Applicant's account arrears correspondence to respondent dated June 18, 2012
- Exhibit 40: Applicant's notes to file dated May 28 and 29, 2012
- Exhibit 41: Applicant's overdue account correspondence to respondent dated May 22, 2012
- Exhibit 42: Applicant's invoice number 11046 dated April 30, 2012
- Exhibit 43: Applicant's work order number 99 dated April 11, 2012
- Exhibit 44: Applicant's invoices numbered 10934 and 127 dated April 3, 2012
- Exhibit 45: Applicant's work order number 2,023 dated March 30, 2012
- Exhibit 46: Arrears payment agreement (promissory note) made October 28, 2010
- Exhibit 47: E-mail from Elizabeth Boucher to Christine A. Smith dated September 1, 2011
- Exhibit 48: Applicant's overdue account correspondence to respondent dated August 23, 2011
- Exhibit 49: Applicant's note to file dated August 9, 2011
- Exhibit 50: Applicant's rental arrears correspondence dated July 21, 2011
- Exhibit 51: Applicant's invoice number 9730 dated June 14, 2011
- Exhibit 52: Applicant's invoice number 9613 dated May 31, 2011
- Exhibit 53: Applicant's work order number 254 dated May 19, 2011
- Exhibit 54: Applicant's invoice number 9605 dated May 26, 2011
- Exhibit 55: Northland Utilities statement for electricity for April 20 to May 11, 2011
- Exhibit 56: Applicant's work order number 250 dated May 11, 2011
- Exhibit 57: Applicant's correspondence to respondent dated April 21, 2011
- Exhibit 58: Applicant's correspondence to respondent dated January 19, 2011

- Exhibit 59: Applicant's correspondence to respondent dated December 17, 2010
- Exhibit 60: Applicant's rental arrears correspondence to respondent dated October 20, 2010
- Exhibit 61: Applicant's invoice number 8432 dated August 25, 2010
- Exhibit 62: Applicant's work order number 1,046 dated August 12, 2010
- Exhibit 63: Applicant's invoice number 8296 dated July 21, 2010
- Exhibit 64: Applicant's work order number 775 dated July 16, 2010
- Exhibit 65: Applicant's invoice number 7759 dated March 2, 2010
- Exhibit 66: Applicant's work order number 2,176 dated February 24, 2010
- Exhibit 67: Applicant's invoice number 7503 dated January 25, 2010
- Exhibit 68: Applicant's work order number 340 dated January 9, 2010
- Exhibit 69: Applicant's note to file dated January 25, 2009
- Exhibit 70: Applicant's account arrears correspondence to respondent dated May 19, 2010
- Exhibit 71: Applicant's overdue account correspondence to respondent dated February 22, 2010
- Exhibit 72: Applicant's invoice number 6736 dated July 17, 2009
- Exhibit 73: Applicant's work order number 727 dated July 9, 2009
- Exhibit 74: Statement of account dated April 25, 2014
- Exhibit 75: Client aged detail as of April 25, 2014, for March 1, 2009, to April 4, 2014
- Exhibit 76: Applicant's notice of termination of tenancy correspondence to respondent dated April 25, 2014
- Exhibit 77: Applicant's damages correspondence to respondent dated March 1, 2013
- Exhibit 78: Applicant's work order number 1,971 dated February 22, 2013
- Exhibit 79: Applicant's invoices numbered 28300 and 12740 dated March 1, 2013
- Exhibit 80: Applicant's damages correspondence to respondent dated March 1, 2013
- Exhibit 81: Applicant's work order number 1,969 dated February 22, 2013
- Exhibit 82: Applicant's invoices numbered 28299 and 12739 dated March 1, 2013
- Exhibit 83: Statement of account dated June 16, 2014
- Exhibit 84: Client aged detail as of June 16, 2014, for March 1, 2009, to June 6, 2014
- Exhibit 85: Statements of account dated May 8 to June 9, 2014
- Exhibit 86: Tenant check-in unit condition report signed March 2, 2009