

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Karen Willford**, 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 -

**KAREN WILLFORD**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$2,648.80 (two thousand six hundred forty-eight dollars eighty cents) in minimum monthly installments of \$75.00 (seventy-five dollars) to be paid starting in August 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.

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 10 Dessy Place in Hay River, Northwest Territories, will terminate October 31, 2014, and the respondent must vacate the rental premises on or before that date, unless the monthly rent and minimum monthly installment payments for rental arrears have been paid on time for the months of August, September, and October 2014.

DATED at the City of Yellowknife in the Northwest Territories this 23rd day of July 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Karen Willford**, 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-

**KAREN WILLFORD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** July 18, 2014

**Place of the Hearing:** Hay River, Northwest Territories

**Appearances at Hearing:** Willa-Jean Conroy, representing the applicant  
Karen Willford, respondent

**Date of Decision:** July 18, 2014

**REASONS FOR DECISION**

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Karen Willford as the respondent/tenant was filed by the Rental Office June 19, 2014.

The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 10 Dessy Place in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent June 26, 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 July 18, 2014. Ms. Willa-Jean Conroy appeared representing the applicant. Ms. Karen Willford appeared as respondent.

Ms. Conroy testified that Ms. Willford has been a tenant in subsidized public housing at the rental premises known as 10 Dessy Place in Hay River, Northwest Territories, since April 1, 2012. Ms. Willford began accumulating significant rental arrears in March 2014, making only one payment towards her rent account since then in April 2014; as of July 18, 2014, her rental arrears total \$2,648.80.

Ms. Willford did not dispute the amount of rental arrears claimed, explaining that she made a poor financial decision in March to purchase a new vehicle on a monthly payment plan she could not afford. She realized her dilemma shortly after purchasing the vehicle, but has had difficulty either returning the vehicle or selling it in order to purchase a more affordable vehicle. She indicated she could afford to make payments towards her rental arrears of between \$75 and \$100 per month and hoped to be able to pay the entire remaining balance of rental arrears once she successfully sells her vehicle.

Ms. Conroy was agreeable to incorporating a payment plan into an order for payment of the rental arrears, but also requested an order that Ms. Willford's rent be paid on time in the future and that the tenancy be conditionally terminated should Ms. Willford fail to meet her obligations to pay her rent or the payment plan on time. Ms. Willford understood and did not dispute the applicant's requests.

*Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant is dated April 1, 2012, for subsidized public housing at the rental premises known as 10 Dessy Place in Hay River, Northwest Territories. Ms. Willford did not dispute the tenancy agreement. I am satisfied a valid tenancy agreement between the parties is in place in accordance with the Act.

*Rental arrears*

The client aged detail represents the landlord's accounting of assessed monthly rent and payments received on the rent account. Ms. Willford did not dispute the accuracy of the client aged detail. I am satisfied the client aged detail accurately represents payments received on Ms. Willford's account. I find the respondent has accumulated rental arrears of \$2,648.80.

The respondent's offer and the applicant's acceptance of the application of a payment plan for the resolution of the rental arrears is reasonable and appropriate under the circumstances. Minimum monthly payments towards the rental arrears will be ordered.

*Termination of tenancy agreement*

It is clear from the evidence and testimony given that the respondent has been repeatedly late paying rent and has carried accumulated rental arrears for some months. The respondent's explanation for her failure to pay her rent since March is understandable, but does not alleviate her of the responsibility to comply with her obligation to pay her rent each month and on time. In consideration of the respondent's personal circumstances and the applicant's willingness to give the respondent time to resolve the issues, I am satisfied a conditional termination order is justified.

An order will issue requiring Ms. Karen Willford to pay rental arrears in the amount of \$2,648.80 in minimum monthly installments of \$75 starting in August 2014 until the arrears are paid in full, to pay her future rent on time, and terminating the tenancy October 31, 2014, unless the respondent has paid her rent and minimum monthly payments on time for August, September, and October 2014.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts dated June 18, 2014
- Exhibit 2: Residential tenancy agreement indeterminate lease dated April 1, 2012, for the rental premises known as 10 Dessy Place
- Exhibit 3: Residential tenancy agreement fixed term lease dated October 1, 2010, for the rental premises known as 6B Saskatoon Drive
- Exhibit 4: 19 statements of account dated between December 17, 2010, and June 9, 2014; 21 notices of rental arrears dated between August 23, 2011, and May 21, 2014; and one agreement to pay rental arrears dated October 11, 2013
- Exhibit 5: Applicant's statement of account dated June 18, 2014
- Exhibit 6: Client aged detail as of June 18, 2014
- Exhibit 7: Applicant's notice of termination of tenancy dated June 18, 2014, terminating the tenancy agreement July 1, 2014, pursuant to section 54(1)(g) of the *Residential Tenancies Act*
- Exhibit 8: Applicant's statement of account dated July 16, 2014
- Exhibit 9: Client aged detail as of July 16, 2014
- Exhibit 10: Applicant's statement of account dated July 8, 2014
- Exhibit 11: Applicant's statement of account dated June 24, 2014