

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Darryl (Marlowe) Boucher and Dawn Catholique**, Respondents;

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 **community of Lutselk'e in the Northwest Territories**.

BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

- and -

**DARRYL (MARLOWE) BOUCHER and DAWN CATHOLIQUE**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a), 84(2), and 84(3) of the *Residential Tenancies Act*, Rental Officer Order #10-12876 is rescinded and the respondents must pay to the applicant rental arrears in the amount of \$32,061.00 (thirty-two thousand sixty-one dollars) in minimum monthly installments of \$200.00 (two hundred dollars) starting in October 2014 until the rental arrears are paid in full.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their 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 for the rental premises known as Unit 231 in Lutselk'e, Northwest Territories, will terminate March 31, 2015, unless the minimum monthly installments and rents for the months of October 2014 to March 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 30th day of September 2014.

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Adelle Guigon  
Deputy Rental Officer

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BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

-and-

**DARRYL (MARLOWE) BOUCHER and DAWN CATHOLIQUE**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>September 23, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Jessica Relucio, representing the applicant Darryl Marlowe, respondent Dawn Catholique, respondent</b>
<b><u>Date of Decision:</u></b>	<b>September 23, 2014</b>

**REASONS FOR DECISION**

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Darryl (Marlowe) Boucher and Dawn Catholique as the respondents/tenants was filed by the Rental Office July 15, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 231 in Lutselk'e, Northwest Territories. The applicant served a filed copy of the application on the respondents by registered mail signed for July 24, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and failed to comply with Rental Officer Order #10-12876, and they were seeking an order for payment of accumulated rental arrears, payment of future rent on time, conditional termination of the tenancy agreement, and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 23, 2014, by teleconference. Ms. Jessica Relucio appeared representing the applicant. Mr. Darryl Marlowe and Ms. Dawn Catholique appeared as respondents.

Ms. Relucio testified the respondents have been in a subsidized public housing residential tenancy agreement for the rental premises known as Unit 231 in Lutselk'e, Northwest Territories, since July 1, 2006. In June 2012 Rental Officer Order #10-12876 was issued ordering the respondents to pay rental arrears in the amount of \$12,727 in minimum monthly installments of \$150 starting July 31, 2012, to report household income and not breach their obligation in this regard again, and to pay future rent on time. Ms. Relucio provided a lease balance statement into evidence which indicated no payments were received from the respondents since the previous order was issued until September 5, 2014, when \$300 was paid to the respondents' rent account. No allegations were made regarding the reporting of household income.

The respondents did not dispute either the amount of rental arrears alleged or the failure to make any payments. They did indicate they were informed by the local housing authority that rent payments were to be made directly to the district office in Yellowknife, which the respondents found burdensome. They were of the belief that they could not make payments through the local

Co-op either. They acknowledged failing to make their rent payments at all was not an appropriate response. The respondents testified that they would have no problem making their rent payments and could commit to paying an additional \$200 per month to go towards their rental arrears.

Ms. Relucio was receptive to the incorporation of a payment plan into an order for payment of rental arrears. She reiterated the applicant's desire for a conditional termination order under the circumstances of the significant failure to pay rent until now and the respondents' failure to comply with a rental officer order.

#### *Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant is for subsidized public housing at Unit 231 in Lutselk'e, Northwest Territories. It was made between the parties to start July 1, 2006. There was no dispute between the parties that a valid tenancy agreement was in place and I am satisfied this is the case.

#### *Rental arrears*

The lease balance statement entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments made against the respondents' rent account. There was no dispute between the parties as to the accuracy of the statement and I am satisfied it does accurately represent the state of the respondents' rent account.

The statement shows that no payments for rent were received since Rental Officer Order #10-12876 was filed until September 5, 2014. I find the respondents have accumulated rental arrears in the amount of \$32,061, and the respondents have failed to comply with conditions number 1 and 3 of Rental Officer Order #10-12876 by failing to make minimum monthly installments against their rental arrears and failing to pay their rent on time.

#### *Termination of tenancy agreement*

The respondents' repeated failure to pay their rent and their failure to comply with an order of the rental officer is sufficient justification to terminate the tenancy agreement. The applicant's generous request for a conditional termination order is granted. An eviction order was not considered in conjunction with the conditional termination order.

An order will issue rescinding Rental Officer Order #10-12876 and replacing it with an order requiring Mr. Darryl (Marlowe) Boucher and Ms. Dawn Catholique to pay rental arrears in the amount of \$32,061 in minimum monthly installments of \$200 starting in October 2014 until the rental arrears are paid in full, to pay their future rent on time, and terminating the tenancy agreement on March 31, 2015, unless the minimum monthly installments and rents for October 2014 to March 2015 are paid on time.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of account for July 1, 2006, to March 1, 2012
- Exhibit 2: Lease balance statement dated March 31, 2014
- Exhibit 3: Applicant's correspondence to respondents dated July 10, 2014
- Exhibit 4: Applicant's correspondence to respondents dated March 7, 2014
- Exhibit 5: Applicant's supported lease program correspondence to respondents dated January 29, 2014
- Exhibit 6: Applicant's outstanding rental arrears correspondence to respondents dated March 7, 2014
- Exhibit 7: Applicant's invoice #65428 dated March 7, 2014
- Exhibit 8: Lease balance statement for April 1, 2012, to March 7, 2014
- Exhibit 9: Applicant's payment change correspondence to respondents dated November 12, 2013
- Exhibit 10: Applicant's payment change correspondence to respondents dated November 12, 2013
- Exhibit 11: Applicant's correspondence to respondents dated February 4, 2013
- Exhibit 12: Applicant's unit #231, supported lease (SLP) program - notice of maximum (economic rent) correspondence to respondents dated July 9, 2012
- Exhibit 13: Applicant's rental officer order of decision - REF #10-12876 correspondence to respondents dated June 28, 2012
- Exhibit 14: Rental Officer order #10-12876 dated June 20, 2012
- Exhibit 15: Residential tenancy agreement signed by all parties
- Exhibit 16: Supported lease program agreement signed June 30, 2006
- Exhibit 17: Lease balance statement dated September 18, 2014
- Exhibit 18: Applicant's SLP - rent payment change correspondence to respondents dated March 7, 2014