

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Kate Wedzin and Derek Beaverho**, Respondents;

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 community of Whati in the Northwest Territories**.

BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

- and -

**KATE WEDZIN and DEREK BEAVERHO**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$7,217.00 (seven thousand two hundred seventeen dollars).

DATED at the City of Yellowknife in the Northwest Territories this 16<sup>th</sup> day of October 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Kate Wedzin and Derek Beaverho**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

-and-

**KATE WEDZIN and DEREK BEAVERHO**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 14, 2014**

**Place of the Hearing:**                    **Yellowknife, Northwest Territories, by teleconference**

**Appearances at Hearing:**              **Jessica Relucio, representing the applicant**

**Date of Decision:**                        **October 14, 2014**

**REASONS FOR DECISION**

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Kate Wedzin and Derek Beaverho as the respondents/tenants 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 Unit 1117B in Whati, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for July 4, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and had failed to report household income in accordance with the tenancy agreement, and sought an order for payment of rental arrears, reporting of household income, future rent to be paid on time, conditional termination of the tenancy agreement, and conditional eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 14, 2014, by teleconference. Ms. Jessica Relucio appeared representing the applicant. Ms. Kate Wedzin and Mr. Derek Beaverho were served notices of attendance by registered mail deemed served September 24, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Ms. Wedzin nor Mr. Beaverho appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Relucio testified the respondents have been tenants in subsidized public housing since November 2011. They have consistently carried rental arrears throughout the tenancy and have had periods of several months when no payments towards the rent were made. Further, there were periods when the required reporting of household income was not made by the respondents resulting in the initial application of the maximum monthly rent.

Since filing of this application, the respondents gave written notice on September 30, 2014, to terminate their tenancy October 31, 2014, in accordance with section 52(1)(b) of the Act. The applicant gave written acceptance of the respondent's termination notice on October 2, 2014, effectively terminating the tenancy on October 31, 2014, in accordance with section 50 of the Act.

Also since filing of this application, the respondents have provided reports of household income for outstanding months up to and including August 2014 from which the rents up to and including September 2014 have been assessed subsidies. The household income for September 2014 has not as yet been reported, therefore the maximum monthly rent for October 2014 has been applied to the respondents' rent account. The biweekly electronic funds transfers initiated in February 2014 have largely been returned with insufficient funds, such that only six \$50 payments have successfully been received – the last two successful payments were received on September 4<sup>th</sup> and October 2<sup>nd</sup>. The respondents have current rental arrears in the amount of \$7,217.

As the tenancy agreement between the respondents will terminate October 31, 2014, in accordance with the Act, Ms. Relucio amended the application to request only an order for payment of rental arrears and eviction.

*Tenancy agreement*

The residential tenancy agreements entered into evidence by the applicant are between the parties for subsidized public housing for the rental premises known as Unit 1117B in Whati, Northwest Territories. They are for fixed terms from November 21, 2011, to December 31, 2012, after which time the tenancy automatically reverted to a monthly agreement pursuant to section 49(1) of the Act. I am satisfied a valid tenancy agreement exists between the parties in accordance with the Act.

*Rental arrears*

The statement of account and lease balance statement entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received on the respondents' rent account. I am satisfied these statements accurately reflect the status of the respondents' rent account. I find the respondents have rental arrears in the amount of \$7,217.

*Termination of the tenancy agreement and eviction*

The written notice from the respondents terminating the tenancy agreement and the applicant's written acceptance and agreement to terminate the tenancy on October 31, 2014, have been submitted into evidence by the applicant. I am satisfied these documents comply with section 50 of the Act, effectively terminating the tenancy agreement October 31, 2014, in accordance with the Act. An eviction order is justified for enforcement in the event the respondents fail to give up vacant possession of the rental premises on or before the termination date.

An order will issue requiring Ms. Kate Wedzin and Mr. Derek Beaverho to pay rental arrears in the amount of \$7,217 and evicting them from the rental premises on November 1, 2014. The eviction order will follow under separate cover.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease balance statement dated June 16, 2014
- Exhibit 2: Applicant's correspondence to respondents dated February 21, 2012
- Exhibit 3: Applicant's outstanding rental arrears correspondence to respondents dated June 8, 2013
- Exhibit 4: Applicant's rent calculation form for June 2013
- Exhibit 5: Applicant's outstanding rental arrears correspondence to respondents dated January 27, 2014
- Exhibit 6: Applicant's outstanding rental arrears correspondence to respondents dated January 24, 2014
- Exhibit 7: Applicant's outstanding rental arrears - 30 days correspondence to respondents dated March 3, 2014
- Exhibit 8: Email conversation between Katie Wedzin and Shermayn Menicoche dated January 24 and 27, 2014
- Exhibit 9: Applicant's outstanding rental arrears - 45 days correspondence to respondents dated June 7, 2014
- Exhibit 10: Applicant's correspondence to public housing tenants - Whati dated May 29, 2014
- Exhibit 11: Residential tenancy agreement fixed term lease dated October 17, 2012
- Exhibit 12: Residential tenancy agreement fixed term lease dated November 21, 2011
- Exhibit 13: Applicant's public housing - rent payment correspondence to respondents dated Jun 17, 2014
- Exhibit 14: Respondent's e-mail to applicant dated September 30, 2014, giving notice to terminate tenancy agreement October 31, 2014
- Exhibit 15: Applicant's public housing unit 906 correspondence to respondents dated October 2, 2014, accepting the tenant's notice to terminate the tenancy agreement October 31, 2014
- Exhibit 16: Lease balance statement dated September 22, 2014
- Exhibit 17: Statement of account dated March 31, 2012
- Exhibit 18: Lease balance statement dated October 2, 2014