

IN THE MATTER between **Fort Resolution Housing Authority**, Applicant, and
Chrissy Gail Lafferty, 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 hamlet of Fort Resolution in the Northwest
Territories.**

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

CHRISSY GAIL LAFFERTY

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 \$32,865.00 (thirty-two thousand eight hundred sixty-five dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Plan 582, Lot 0019/70, #0024, in Fort Resolution, Northwest Territories, will terminate October 31, 2014, and the respondent must vacate the rental premises on or before that date.

3. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent must compensate the applicant for use and occupation of the rental premises at a rate of \$50.79 for each day the respondent remains in the rental premises after October 31, 2014.

DATED at the City of Yellowknife in the Northwest Territories this 31st day of October 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Resolution Housing Authority**, Applicant, and
Chrissy Gail Lafferty, 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:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

-and-

CHRISSY GAIL LAFFERTY

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 30, 2014
<u>Place of the Hearing:</u>	Fort Resolution, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Darrin Holmes, representing the applicant
<u>Date of Decision:</u>	October 30, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Resolution Housing Authority as the applicant/landlord against Chrissy Gail Lafferty as the respondent/tenant was filed by the Rental Office August 20, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Plan 582, Lot 0019/70, #0024, in Fort Resolution, Northwest Territories. The applicant served a filed copy of the application on the respondent by registered mail signed for September 26, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and sought an order for payment of the rental arrears, termination of the tenancy agreement, and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 30, 2014, in Fort Resolution. Mr. Darrin Holmes appeared representing the applicant. Ms. Chrissy Gail Lafferty was served a notice of attendance by registered mail signed for September 26, 2014. Ms. Lafferty did not appear at hearing nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Holmes testified and provided evidence that Ms. Lafferty has been a tenant in subsidized public housing since at least April 2003. The last time she had a zero balance on her rent account was in May 2005. Ms. Lafferty's rent payments have been sporadic and insufficient at best throughout the tenancy, and the last payment received was for \$300 in April 2014. Total household income has not been reported for the months of January to September 2014, therefore the maximum monthly rent of \$1,545 has been applied for the months of February to October 2014. All rents for the months prior to February 2014 except one were assessed a subsidy based on reported household income. The total rental arrears accumulated to date are \$32,865.

Mr. Holmes testified that, according to his records and his own personal experience, Ms. Lafferty has never responded to requests to attend the office to discuss her account or, this year, to provide her household income information. There have been three previous applications to a rental officer filed against Ms. Lafferty for which she has not appeared at any of the scheduled hearings. Three notices were sent to Ms. Lafferty from the applicant – dated April 11, May 8, and

June 3, 2014 – notifying her of her rental arrears and the potential consequences for failing to resolve them. On July 4, 2014, the applicant sent a notice to Ms. Lafferty by registered mail terminating her tenancy agreement August 5, 2014, pursuant to section 54 of the Act. Ms. Lafferty failed to respond to any of these notices.

Mr. Holmes reiterated the applicant's request for an order for payment of rental arrears and justified the request for termination of the tenancy and eviction with the extensive amount of rental arrears, the continuous failure of Ms. Lafferty to pay the rent, Ms. Lafferty's failure to comply with her obligation to report household income, and Ms. Lafferty's apparently wilful neglect to respond to the landlord's notices.

Tenancy agreement

Rental officer order #10-7164 dated December 18, 2002, establishes a tenancy agreement was in place between the parties commencing prior to December 2002. The tenant ledger cards entered into evidence support a tenancy agreement was in place between the parties commencing prior to April 2003. The residential tenancy agreement entered into evidence is dated November 21, 2012, establishing a month-to-month tenancy between the parties commencing July 1, 2012. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears and obligation to report household income

The tenant ledger cards and lease balance statement entered into evidence represent the landlord's accounting of assessed monthly rent and payments received on the respondent's rent account between April 30, 2003, and October 28, 2014. The last zero balance on the respondent's rent account appears on the tenant ledger card on May 13, 2005. I am satisfied the tenant ledger cards and lease balance statement accurately reflect payments received on the respondent's rent account.

Section 6 of the tenancy agreement specifies the tenant's obligation to report total household income in the prescribed form whenever and as often as requested by the landlord. Mr. Holmes has testified that Ms. Lafferty has failed to report her income for the months of January to September 2014 and the lease balance statement reflects the application of the maximum monthly rent of \$1,545 for the months of February to October 2014 as a result.

I find Ms. Lafferty has breached her obligation to report her total household income in accordance with her tenancy agreement and has accumulated rental arrears to date of \$32,865.

Termination of the tenancy agreement and eviction

The notice to the tenant terminating the tenancy on August 5, 2014, pursuant to section 54(1)(g) of the Act, as a result of the tenant's failure to pay the full amount of her rent when it is due, was appropriately issued by the applicant. The requirements of section 54(4) of the Act were also met by the applicant's filing of the application to a rental officer requesting termination of the tenancy agreement. The amount of rental arrears – whether or not the rents for 2014 are subsidized – is significant and Ms. Lafferty's continued disregard for her obligations to pay rent and report her household income to my mind fully justify termination of the tenancy agreement and eviction.

An order will issue requiring Ms. Chrissy Gail Lafferty to pay rental arrears in the amount of \$32,865, terminating the tenancy agreement on October 31, 2014, evicting Ms. Lafferty from the rental premises on November 15, 2014, and granting compensation to the applicant for use and occupation at a rate of \$50.79 for each day Ms. Lafferty remains in the rental premises after October 31, 2014.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease balance statement dated August 7, 2014
- Exhibit 2: Applicant's notice of termination - Residential Tenancy Act s. 54(1) correspondence to respondent sent by registered mail dated July 4, 2014
- Exhibit 3: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated June 3, 2014
- Exhibit 4: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated May 8, 2014
- Exhibit 5: Applicant's outstanding rental arrears - correspondence to respondent dated April 11, 2014
- Exhibit 6: Residential tenancy agreement indeterminate lease dated November 21, 2012
- Exhibit 7: Tenant ledger cards for April 30, 2003, to March 31, 2014
- Exhibit 8: Lease balance statement dated October 28, 2014