

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and **Annie Koe**, 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, regarding a rental premises located within the **hamlet of Fort McPherson in the Northwest Territories**.

BETWEEN:

**FORT MCPHERSON HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**ANNIE KOE**

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 \$1,426.00 (one thousand four hundred twenty-six dollars) in minimum monthly installments of \$150.00 (one hundred fifty dollars) starting in November 2014 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 for the rental premises known as 0058 James Simon Road in Fort McPherson, Northwest Territories, will terminate March 31, 2015, and the respondent must vacate the rental premises on or before that date, unless the minimum monthly payments and rents for November 2014 to March 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 27th day of October 2014.

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Adelle Guigon  
Deputy Rental Officer

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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:

**FORT MCPHERSON HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**ANNIE KOE**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>October 16, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Fort McPherson, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Shirley Wilson, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>October 16, 2014</b>

**REASONS FOR DECISION**

An application to a rental officer made by Fort McPherson Housing Association as the applicant/landlord against Annie Koe as the respondent/tenant was filed by the Rental Office August 27, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 0058 James Simon Road in Fort McPherson, Northwest Territories. The applicant personally served the filed application on the respondent September 3, 2014.

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

A hearing was scheduled for October 16, 2014, in Fort McPherson, Northwest Territories. The rental officer appeared by teleconference. Ms. Shirley Wilson appeared representing the applicant. Ms. Annie Koe was sent a notice of attendance by registered mail signed for October 1, 2014. Ms. Koe did not appear at the 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).

Ms. Wilson testified that Ms. Koe has been a tenant in subsidized public housing since December 1985. She began accumulating her current rental arrears in January 2014; the arrears currently rest at \$1,426. Ms. Koe attended Ms. Wilson's office on September 10, 2014, and acknowledged her rental arrears at the time of \$1,846 by signing an agreement to pay rental arrears at a rate of \$150 per month in addition to her assessed monthly rent. Ms. Wilson confirmed Ms. Koe has been complying with her commitment to date and as a result amended the remedy sought to include an order for payment of rental arrears incorporating the terms of the agreement to pay, for future rent to be paid on time, and a conditional termination order to come into effect should Ms. Koe fail to comply with her obligation to pay.

*Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant was made between the parties for subsidized public housing beginning April 1, 2012, on a month-to-month basis. It was signed by both parties. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

*Rental arrears*

The tenant ledger cards entered into evidence by the applicant represent the landlord's accounting of assessed monthly rent and payments received on the respondent's rent account between December 31, 2013, and October 8, 2014. I am satisfied the tenant ledger cards accurately reflect payments received on the respondent's rent account to date. I find the respondent has accumulated rental arrears in the amount of \$1,426.

*Termination of the tenancy agreement*

Termination of the tenancy agreement to my mind is justified by the repeated failure of the respondent to pay the full amount of her rent and resolve her rental arrears. The respondent has been repeatedly before the Rental Officer previously under tenancy agreements for the same rental premises. Between 1991 and 2012 there have been six rental officer orders issued against the respondent; all of them included orders to pay rental arrears, four of them included conditional termination orders, and all of them appear to have been satisfied. Under the circumstances of this case I am satisfied a conditional termination order will suffice again.

An order will issue requiring Ms. Annie Koe to pay rental arrears in the amount of \$1,426 in minimum monthly installments of \$150 starting in November 2014, to pay her rent on time in the future, and terminating her tenancy March 31, 2015, unless the minimum monthly payments and rents for November 2014 to March 2015 are paid on time.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement indeterminate lease dated April 1, 2012

Exhibit 2: Applicant's demand notice correspondence to respondent dated February 5, 2014

Exhibit 3: Applicant's correspondence to respondent dated February 26, 2014, regarding disturbance complaints

Exhibit 4: Tenant ledger cards for rent from December 31, 2013, to July 31, 2014

Exhibit 5: Tenant ledger card for rent from April 23 to October 8, 2014

Exhibit 6: Agreement to pay rental arrears dated September 10, 2014