

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dionne Bertrand and Jody Fantasque**, 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 **hamlet of Fort Liard in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

DIONNE BERTRAND and JODY FANTASQUE

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 \$1,425.00 (one thousand four hundred twenty-five dollars).
2. 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 Lot 308, Plan 3919, in Fort Liard, Northwest Territories, will terminate January 31, 2015, and the respondents must vacate the rental premises on or before that date, unless the rental arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 21st day of November 2014.

Adelle Guigon
Deputy Rental Officer

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Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 19, 2014
<u>Place of the Hearing:</u>	Fort Liard, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Ellen McLeod, representing the applicant Dionne Bertrand, respondent
<u>Date of Decision:</u>	November 19, 2014

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Dionne Bertrand and Jody Fantasque as the respondents/tenants was filed by the Rental Office October 15, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Lot 308, Plan 3919, in Fort Liard, Northwest Territories. The applicant served a filed copy of the application on the respondents by registered mail.

The applicant alleged in the application the respondents had accumulated rental arrears and requested an order for payment of 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 November 19, 2014, in Fort Liard. Ms. Ellen McLeod appeared representing the applicant. Mr. Dionne Bertrand appeared representing himself and Ms. Jody Fantasque as respondents.

Ms. McLeod testified the respondents have been tenants in subsidized public housing under the Homeownership Entry Level Program (HELP) since April 2012. In November 2013 rental officer order number 10-13651 was issued requiring the respondents to pay rental arrears of \$94 and to pay future rent on time. The rental arrears were paid as required, however, future rents were not paid on time or in the full amounts owing. After a payment of \$500 received by the applicant the day before this hearing, the current rental arrears stand at \$1,425. Ms. McLeod withdrew the applicant's request for eviction, requesting only an order for payment and conditional termination of the tenancy if the respondents don't pay the rental arrears within two months.

Mr. Bertrand acknowledged the rental arrears and indicated he expected he could have the arrears paid within a short period of time.

Tenancy agreement

The residential lease agreement entered into evidence by the applicant is for subsidized public housing in the rental premises known as Lot 308, Plan 3919, in Fort Liard, Northwest Territories. It was set for a fixed-term from April 1, 2012, to April 30, 2014, after which it automatically renewed as a monthly tenancy pursuant to section 49(1) of the Act. There was no dispute to the validity of the existing tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The internal ledger to NWT HC entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received on the respondents' rent account. Mr. Bertrand did not dispute the accounting in the ledger. The ledger does not reflect the \$500 payment made by the respondents on November 18, 2014, which was acknowledged by the applicant. Accounting for that payment, I find the respondents have accumulated rental arrears in the amount of \$1,425.

Termination of the tenancy agreement

The ledger confirms the respondents have been repeatedly late paying their rent throughout the tenancy, including after rental officer order number 10-13651 was made. I find the respondents have failed to comply with the order of the rental officer by failing to pay their rent on time since February 2014. In light of this and in consideration of the amount of current rental arrears, I find a conditional termination order is justified.

An order will issue requiring the respondents to pay rental arrears in the amount of \$1,425, to pay their rent on time in the future, and terminating their tenancy agreement January 31, 2015, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential lease agreement

Exhibit 2: Applicant's Homeownership Entry Level Program (HELP) correspondence to respondents dated January 27, 2014

Exhibit 3: Email conversation between Jennifer Vachon and Betty Hardisty dated January 27-29, 2014

Exhibit 4: Internal ledger to NWTTC dated September 30, 2014

Exhibit 5: Internal ledger to NWTTC dated November 19, 2014