

IN THE MATTER between **Lutselk'e Housing Authority**, Applicant, and **Patrick Catholique and Krystin Sanderson**, 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:

**LUTSELK'E HOUSING AUTHORITY**

Applicant/Landlord

- and -

**PATRICK CATHOLIQUE and KRYSTIN SANDERSON**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$6,435.00 (six thousand four hundred thirty-five dollars) in minimum monthly installments of \$60.00 (sixty dollars) to be paid starting in December 2014 and each month thereafter 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 232B in Lutselk'e, Northwest Territories, will terminate March 31, 2015, unless the minimum monthly installments and rents for December 2014 to March 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 5th day of December 2014.

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Adelle Guigon  
Deputy Rental Officer

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Applicant/Landlord

-and-

**PATRICK CATHOLIQUE and KRYSTIN SANDERSON**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>November 26, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Lutselk'e, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Michael Keohane, representing the applicant Melissa Catholique, representing the applicant Patrick Catholique, respondent</b>
<b><u>Date of Decision:</u></b>	<b>November 26, 2014</b>

**REASONS FOR DECISION**

An application to a rental officer made by Lutselk'e Housing Authority as the applicant/landlord against Patrick Catholique and Krystin Sanderson as the respondents was filed by the Rental Office September 10, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 232B in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for September 26, 2014.

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

A hearing was scheduled for November 26, 2014, by teleconference. Mr. Mike Keohane and Ms. Melissa Catholique appeared representing the applicant. Mr. Patrick Catholique appeared representing himself and Ms. Krystin Sanderson as respondents.

Mr. Keohane withdrew the applicant's request for compensation for repairs of damages.

Mr. Keohane testified the respondents have been joint tenants in subsidized public housing since April 1, 2012. They have accumulated rental arrears since commencement of the tenancy by failing to make their rent payments in full each month; the only payments the respondents have made have been on August 26, 2013, for \$400, on March 18, 2014, for \$200, and on October 16, 2014, for \$200.

September 24, 2012, a rental officer heard an application to a rental officer file number 10-12989 made by Lutselk'e Housing Authority against Pat Catholique and Krystin Sanderson. That application claimed rental arrears accumulated prior to April 1, 2012, which the rental officer denied on the basis that the previous six tenancy agreements alternated between sole tenancies with Mr. Catholique and joint tenancies with both respondents and he was unable to segregate the rents in the provided statement of account accordingly; the rental officer only considered rental arrears accumulated under the current tenancy agreement commencing April 1, 2012, and ordered payment of rental arrears in the amount of \$3,767 and that future rent be paid on time.

Mr. Keohane confirmed that the respondents have been very good about submitting their household income reports since April 2012 and as a result all rents since then have been assessed a subsidy based on the reported income. Mr. Keohane acknowledged the last rental hearing had a big impact on the respondents and resulting in the consistent reporting of household income, and despite the negligible payments actually received to date conceded to giving the respondents another chance to reverse their rental arrears. Mr. Keohane withdrew the applicant's request for an eviction order, requesting alternatively an order for payment of rental arrears in minimum monthly installments and conditional termination of the tenancy agreement.

Mr. Catholique did not dispute that he and Ms. Sanderson have accumulated rental arrears and did not dispute the accuracy of the lease balance statement provided into evidence. He stated they have not been working and Ms. Sanderson has been attending college without receiving student financial assistance. Mr. Catholique expected to be starting work at one of the mines very soon and the couple expects to be receiving impact benefit agreement monies by the end of November. He was receptive to applying for income assistance, which the couple had not previously considered. Based on the couple's current household income, he confirmed they could commit to paying at least \$60 per month towards their rental arrears in addition to their monthly assessed rent. Mr. Keohane wished to reinforce the importance of making payments each and every month, which Mr. Catholique acknowledged.

#### *Tenancy agreement*

The residential tenancy agreement entered into evidence was made between the parties for subsidized public housing on a monthly basis starting April 1, 2012. There was no dispute between the parties regarding the validity of the tenancy agreement. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

#### *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 respondent's rent account. There was no dispute between the parties as to the accuracy of this accounting. I am satisfied the lease balance statement accurately reflects the monthly rent and payments received against the respondent's rent account between April 1, 2012, and November 26, 2014.

The lease balance statement includes entries carrying forward previously accumulated rental arrears and the application of subsequently assessed subsidies against rents prior to April 1, 2012. These entries were deducted from the statement balance.

The lease balance statement also includes an entry for tenant damages which the applicant withdrew. This entry was deducted from the statement balance.

Rental officer order number 20-12989 required payment of rental arrears accumulated between April 1, 2012, and September 24, 2012, in the amount of \$3,767. That order has not yet been enforced and remains enforceable. That amount was deducted from the statement balance.

Due to a mathematical error on my part at the hearing, I miscalculated the remaining rental arrears accumulated since September 24, 2012, to be \$3,096. The correct amount of rental arrears is calculated as follows:

Current lease balance statement total	\$14,485.93
Less tenant damages charges	(\$1,473.93)
Less rental arrears and re-assessed subsidies from prior to April 1, 2012	(\$2,810.00)
Less rental arrears accumulated between April 1, 2012, and September 24, 2012, as ordered by rental officer order number 20-12989	(\$3,767.00)
<b>Total remaining rental arrears accumulated between September 25, 2012, and November 26, 2014</b>	<b>\$6,435.00</b>

The parties agreement to the incorporation of minimum monthly payments into an order to pay rental arrears is acknowledged and will be so ordered.

#### *Termination of the tenancy agreement*

The amount of rental arrears and the failure of the respondents to make very few payments against their arrears or for rent provide justification for termination of the tenancy. In consideration of the applicant's request and the respondent's sincerity at hearing, it seems appropriate to me to issue a termination order conditional on the payment of minimum monthly installments and rents.

An order will issue requiring Mr. Patrick Catholique and Ms. Krystin Sanderson to pay rental arrears in the amount of \$6,435 in minimum monthly installments of \$60 starting in December 2014 and terminating the tenancy agreement March 31, 2015, unless the minimum monthly installments and rents for December 2014 to March 2015 are paid on time.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Landlord's requests dated July 23, 2014
- Exhibit 2: Residential tenancy agreement indeterminate lease dated April 1, 2014
- Exhibit 3: Residential tenancy agreement indeterminate lease dated March 20, 2013
- Exhibit 4: Account summary statement for October 2012 to July 2014
- Exhibit 5: Lease balance statement dated July 22, 2014
- Exhibit 6: Rental office order number 10-12989 dated October 3, 2012
- Exhibit 7: Applicant's order of the rental officer #10-12989 correspondence to respondents dated February 5, 2013, with attached lease balance statement
- Exhibit 8: Applicant's outstanding rental arrears correspondence to respondents dated May 14, 2013, with attached lease balance statement
- Exhibit 9: Applicant's tenant damages - broken windows correspondence to respondents dated July 30, 2013
- Exhibit 10: Applicant's invoice number 0765 dated July 30, 2013
- Exhibit 11: Applicant's correspondence to respondents dated July 30, 2013
- Exhibit 12: Applicant's unit #232B, rental arrears \$17,797.00 as at August 19, 2013, correspondence to respondents dated August 19, 2013, with attached lease balance statement
- Exhibit 13: Lease balance statement dated November 18, 2014