

IN THE MATTER between **Lutselk'e Housing Authority**, Applicant, and **Patty Lockhart and Joyce Isadore**, 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 Lutselk'e in the Northwest Territories**.

BETWEEN:

LUTSELK'E HOUSING AUTHORITY

Applicant/Landlord

- and -

PATTY LOCKHART and JOYCE ISADORE

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 \$2,075.00 (two thousand seventy-five dollars).
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 0024A in Lutselk'e, Northwest Territories, will terminate February 28, 2015, unless the rents for December 2014 to February 2015 are paid on time and the rental arrears of \$2,075.00 (two thousand seventy-five dollars) are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 1st day of December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Lutselk'e Housing Authority**, Applicant, and **Patty Lockhart and Joyce Isadore**, 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.

BETWEEN:

LUTSELK'E HOUSING AUTHORITY

Applicant/Landlord

-and-

PATTY LOCKHART and JOYCE ISADORE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 26, 2014

Place of the Hearing: Lutselk'e, Northwest Territories, by teleconference

Appearances at Hearing: Michael Keohane, representing the applicant
Melissa Catholique, representing the applicant

Date of Decision: November 26, 2014

REASONS FOR DECISION

An application to a rental officer made by Lutselk'e Housing Authority as the applicant/landlord against Patty Lockhart and Joyce Isadore as the respondents/tenants 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 0024A 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 have accumulated rental arrears and failed to comply with an order of the rental officer; they sought an order for payment of 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 November 26, 2014, in Lutselk'e, Northwest Territories. Mr. Michael Keohane appeared by telephone representing the applicant. Ms. Melissa Catholique appeared in person representing the applicant. Mr. Patty Lockhart and Ms. Joyce Isadore were served notices of attendance by registered mail signed for November 10, 2014. Neither Mr. Lockhart nor Ms. Isadore appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Keohane testified the respondents have been tenants in subsidized public housing since April 1, 2012. Rental officer order number 10-12998 dated October 2, 2012, ordered payment of rental arrears of \$22,574 accumulated to September 25, 2012, that future rent be paid on time, and that household income be reported. Since that order was issued household income information was provided and the rental arrears under the previous rental officer order were re-assessed, reducing them to \$4,894. In August 2014 a payment was received via Canada Revenue Agency of \$1,406.76 which was applied against the previously ordered rental arrears, reducing them again to \$3487.24. No payments have been received from the respondents since prior to April 1, 2012. Rental officer order number 10-12998 remains unsatisfied to date.

Since September 25, 2012, the respondents have accumulated additional rental arrears in the amount of \$2,075. Mr. Keohane argued with these tenants being of low income the applicant would have been prepared to negotiate a payment plan to address the arrears, however, multiple attempts by the local housing authority staff to communicate with the respondents has been unsuccessful and there has been no effort on the part of the respondents to resolve the issues.

Mr. Keohane reiterated the applicant's request for an order to pay rental arrears and future rent on time. In light of the respondents' low income status, he requested a conditional termination order to give the respondents one more opportunity to comply with their obligations.

Tenancy agreement

The residential tenancy agreements entered into evidence are for subsidized public housing between the parties on a monthly basis starting April 1, 2012. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statements entered into evidence reflect the landlord's accounting of monthly rent and payments received against the respondents' rent account. I am satisfied the lease balance statement accurately represents the current status of the respondents' rent account. The respondents have made no payments towards their rent. I find the respondents have accumulated rental arrears since September 25, 2012, in the amount of \$2,075.

Previous rental officer order

Rental officer order number 10-12998 dated October 2, 2012, required the respondents to pay rental arrears accumulated as of September 25, 2012, required the respondents to pay their future rent on time, and required the respondents to report their household income.

Since the issuance of that order the respondents did attend the office and submitted several months of outstanding reports of household income up to and including March 2012. All rents since September 2012 have been assessed a subsidy based on reported household income. It appears the respondents have complied with the order to report their household income.

Since the issuance of that order the respondents have not made any payments towards their rental arrears or towards their future rent. I find the respondents have failed to comply with the order to pay rental arrears and to pay their future rent on time.

Termination of the tenancy agreement

Based on the respondents' repeated failure to comply with their obligations under the residential tenancy agreement and the Act to pay the full amount of their rent when it is due and to comply with an order of the rental officer, termination of the tenancy agreement is justified. The applicant's request for a conditional termination order is generous; in consideration of their arguments for it, I am prepared to grant the termination of the tenancy on a conditional basis.

An order will issue requiring Mr. Patty Lockhart and Ms. Joyce Isadore to pay rental arrears in the amount of \$2,075; to pay their future rent on time; and terminating their tenancy agreement February 28, 2015, unless the rental arrears are paid in full and the rents for December 2014 to February 2015 are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Landlord's requests dated July 31, 2014
- Exhibit 2: Residential tenancy agreement indeterminate lease dated March 26, 2012
- Exhibit 3: Residential tenancy agreement indeterminate lease dated March 20, 2013
- Exhibit 4: Residential tenancy agreement indeterminate lease dated April 1, 2014
- Exhibit 5: Account summary statement for October 2012 to July 2014
- Exhibit 6: Lease balance statement dated August 6, 2014
- Exhibit 7: Applicant's outstanding rental arrears correspondence to respondents dated May 14, 2013, with attached lease balance statement
- Exhibit 8: Applicant's correspondence to respondents dated July 30, 2013
- Exhibit 9: Lease balance statement dated September 17, 2013
- Exhibit 10: Rental officer order number 10-12998 dated October 2, 2012

- Exhibit 11: Rental officer order number 10-10231 dated July 19, 2008
- Exhibit 12: Damage deposit refund calculation sheet
- Exhibit 13: Lease balance statement dated November 18, 2014