

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Desiree Morin**, 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 town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

DESIREE MORIN

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 \$505.58 (five hundred five dollars fifty-eight cents) in minimum monthly installments of \$120.00 (one hundred twenty dollars) 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 respondent must pay her rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 19th day of December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Desiree Morin**, 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:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

DESIREE MORIN

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 20, 2014
<u>Place of the Hearing:</u>	Hay River, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Adam Swanson, representing the applicant Desiree Morin, respondent
<u>Date of Decision:</u>	November 20, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Desiree Morin as the respondent/tenant was filed by the Rental Office October 20, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 6 Mansell Place in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent October 23, 2014.

The applicant alleged the respondent had accumulated rental arrears and requested an order for payment of rental arrears, that future rent be paid on time, termination of the tenancy agreement, and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for November 20, 2014, in Hay River, Northwest Territories. Mr. Adam Swanson appeared representing the applicant. Ms. Desiree Morin appeared as respondent.

Mr. Swanson withdrew the applicant's request for termination of the tenancy and eviction. He testified Ms. Morin has been a tenant in subsidized public housing since August 2007. As evidenced by the client aged detail, Ms. Morin has a history of paying her rent late. At the time of filing this application, Ms. Morin's rental arrears had accumulated to \$5,610.58; this amount included the maximum monthly rent of \$1,625 for the months of August to October 2014 due to Ms. Morin's failure to report her household income for the months of July to September 2014. Since then, Ms. Morin has reported her income as required by her tenancy agreement and she has made payments against her rental arrears, including one received the date of this hearing which is not reflected in the client aged detail, substantially reducing her current rental arrears to \$505.58. Mr. Swanson confirmed, based on Ms. Morin's reported household income, her monthly rent is currently assessed at \$80.

Ms. Morin did not dispute the rental arrears claimed. She indicated she is expecting a lump sum disability payment from which she should be able to clear her outstanding balance. In the meantime, based on her current household income, she stated she could afford to pay a total of \$200 per month including her monthly assessed rent. Mr. Swanson was receptive to incorporating a minimum monthly payment plan into an order for payment of rental arrears.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant establishes a tenancy agreement between the parties for subsidized public housing. The respondent did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The client aged detail entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account. The respondent did not dispute the accuracy of the client aged detail or the amount of rental arrears claimed by the applicant. I am satisfied the client aged detail accurately reflects the status of the respondent's rent account as of November 19, 2014. After applying the payment agreed to have been made on November 20, 2014, I find the respondent has accumulated rental arrears in the amount of \$505.58. The incorporation of a minimum monthly installment plan to reduce the rental arrears is reasonable under the circumstances.

An order will issue requiring Ms. Desiree Morin to pay rental arrears in the amount of \$505.58 in minimum monthly installments of \$120 starting in December 2014 and that future rent be paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's statement of facts

Exhibit 2: Residential tenancy agreement fixed term lease dated August 1, 2010

Exhibit 3: Applicant's overdue account correspondences to respondent dated: August 12, 2014; August 25, 2014; September 22, 2014; October 8, 2014

Exhibit 4: Respondent's agreement to pay rental arrears dated July 7, 2014

Exhibit 5: Applicant's outstanding rental arrears correspondences to respondent dated: January 7, 2014; January 20, 2014; February 24, 2014; March 7, 2014; March 24, 2014; April 9, 2014; May 8, 2014; May 21, 2014; June 9, 2014; June 24, 2014; September 8, 2014

Exhibit 6: Applicant's statements dated: February 10, 2014; April 22, 2014; July 8, 2014; October 14, 2014

Exhibit 7: Client aged detail as at October 14, 2014

Exhibit 8: Applicant's notice of termination of tenancy correspondence to respondent dated October 14, 2014

Exhibit 9: Applicant's statements dated: October 22, 2014; November 10, 2014; November 17, 2014

Exhibit 10: Client aged detail as at November 17, 2014