

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Andrea Charlene Grossetete, 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**, Rental Officer, regarding a
rental premises located within the **village of Fort Simpson in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

ANDREA CHARLENE GROSSETETE

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$2,353.98 (two thousand three hundred fifty-three dollars ninety-eight cents). This paragraph replaces paragraph 1 of Rental Officer Order Number 10-14658.
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 will terminate September 30, 2016, unless the rental arrears of \$2,353.98 (two thousand three hundred fifty-three dollars ninety-eight cents) are paid in full and the monthly rents for July, August, and September are paid on time.

4. Pursuant to sections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, if the tenancy agreement is terminated in accordance with paragraph 3 of this order, the respondent will be evicted from the rental premises known as #14, 10110A - 94 Avenue, in Fort Simpson, Northwest Territories, on October 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 5th day of July 2016.

Adelle Guigon
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");

AND IN THE MATTER of a hearing before **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

ANDREA CHARLENE GROSSETETE

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 13, 2016
<u>Place of the Hearing:</u>	Fort Simpson, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kathy Konisenta, representing the applicant Andrea Grossetete, respondent
<u>Date of Decision:</u>	June 13, 2016

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority on behalf of the Northwest Territories Housing Corporation as the applicant/landlord against Andrea Charlene Grossetete as the respondent/tenant was filed by the Rental Office March 3, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Fort Simpson, Northwest Territories. The applicant personally served a copy of the filed application on the respondent April 27, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had repeatedly failed to pay rent when due, and had accumulated rental arrears. An order was sought for payment of the rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for June 13, 2016, in Fort Simpson, Northwest Territories. The rental officer appeared by telephone. Ms. Kathy Konisenta appeared representing the applicant. Ms. Andrea Charlene Grossetete appeared as respondent.

Previous orders

Rental Officer Order Number 10-13591 dated September 23, 2013, required the respondent to pay rental arrears in the amount of \$5,477 in minimum monthly installments of \$150 starting in October 2013 and to pay her future rent on time.

Rental Officer Order Number 10-14658 dated June 25, 2015, rescinded paragraph 1 of Rental Officer Order Number 10-13591 and ordered the respondent to pay rental arrears in the amount of \$4,067 and to pay her future rent on time.

Tenancy agreement

The parties agreed and evidence was submitted establishing a residential tenancy agreement between them for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. The respondent did not dispute the landlord's accounting. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

In the reasons for Rental Officer Order Number 10-14658, the rental officer noted that the maximum monthly rent of \$1625 had been assessed for the June 2015 rent due to the respondent's failure to report her household income for May 2015. The amount was allowed and the order issued for payment of the rental arrears of \$4,067 including the maximum rent for June 2015. Since then, the respondent reported her income as required and the applicant re-assessed the rent for June 2015, resulting in a subsidized rent of \$80. All rents to date have now been subsidized.

The review of the payments made against the respondent's rent account since the last rental officer order show that the respondent has failed to satisfy that order, even after accounting for the re-assessed June 2015 rent. Between June 2015 and February 2016 only three payments totalling \$300 were made. Since April 1, 2016, the respondent has made more concerted efforts to pay her rent on time and make payments against her rental arrears.

I find the respondent has failed to comply with Rental Officer Order Number 10-14658, has repeatedly failed to comply with her obligation to pay her rent on time, and has accumulated rental arrears in the amount of \$2,353.98.

In recognition that paragraph 1 of Rental Officer Order Number 10-14658 specifies an amount of rental arrears substantially more than the current assessed amount, the order to pay that I will issue here will replace the previous order in an effort to ensure no more than the tenant actually owes is collected by the landlord.

Termination of the tenancy agreement and eviction

In light of the respondent's failure to comply with a rental officer order, the respondent's repeated failure to pay her rent, and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. However, the applicant's representative has requested a conditional termination and eviction order to give the respondent an opportunity to show she can make her monthly rent payments on time and pay down the rental arrears. I am satisfied such an order would be appropriate under the circumstances.

Orders

An order will issue replacing paragraph 1 of Rental Officer Order Number 10-14658 with an order for the respondent to pay rental arrears in the amount of \$2,353.98. An order will also issue requiring the respondent to pay her rent on time in the future; terminating her tenancy agreement September 30, 2016, unless the rental arrears are paid in full and the monthly rents for July, August, and September are paid on time; and evicting the respondent from the rental premises on October 1, 2016, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer