

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Walter McPherson, 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 -

WALTER MCPHERSON

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(3) of the *Residential Tenancies Act*, paragraph 1 of Rental Officer Order Number 10-14767 is rescinded, and the respondent must pay to the applicant rental arrears in the amount of \$8,293.04 (eight thousand two hundred ninety-three dollars four cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his 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 at least \$4,000.00 (four thousand dollars) is paid towards the rental arrears 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 #15, 10110B - 94 Avenue, in Fort Simpson, Northwest Territories, on October 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of July 2016.

Adelle Guigon
Rental Officer

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(the "Act");

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

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

WALTER MCPHERSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 13, 2016

Place of the Hearing: Fort Simpson, Northwest Territories, by teleconference

Appearances at Hearing: Kathy Konisenta, representing the applicant
Walter McPherson, respondent

Date of Decision: 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 Walter McPherson 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 served a copy of the filed application package on the respondent by registered mail signed for March 16, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had been repeatedly late paying rent, and had accumulated rental arrears. An order was sought for payment of 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. Mr. Walter McPherson appeared as respondent.

Previous orders

Rental Officer Order Number 10-14767 dated August 4, 2015, required the respondent to pay rental arrears in the amount of \$7,996.04 in minimum monthly installments of \$25 starting in August 2015; to pay his future rent on time; and terminated his tenancy agreement January 31, 2016, unless the monthly rents and minimum monthly installments were paid on time.

Rental Officer Order Number 10-14920 dated December 15, 2015, required the respondent to report his household income for the month of July 2015.

Tenancy agreement

The parties agreed and evidence was submitted establishing that they had entered into a residential tenancy agreement for subsidized public housing commencing in March 2007. The applicant's representative confirmed at hearing that, although the respondent had failed to comply with the terms of Rental Officer Order Number 10-14767, the termination and eviction orders were not enforced and the tenancy agreement was effectively reinstated. I am satisfied a tenancy agreement for subsidized public housing between the parties remains in effect in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The lease balance statements submitted by the applicant represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. The respondent did not dispute the accuracy of the statements. I am satisfied the statements accurately represent the current status of the respondent's rent account.

The statements support the applicant's allegations that the respondent has been repeatedly late paying rent and has accumulated rental arrears. A review of the payments made against the respondent's account since the issuance of Rental Officer Order Number 10-14767 show the respondent has repeatedly failed to make the minimum monthly installment payments as required. The rental arrears accrued to date are greater than they were when Rental Officer Order Number 10-14767 was issued.

The respondent testified that he has not had consistent employment in his occupation as firefighter and has been getting by on odd jobs. He expects to have opportunities in the very near future to work for the season again, and should he be successful expects to be able to pay down a significant portion of his arrears by the Fall.

I find the respondent has failed to comply with a rental officer order to make minimum monthly installment payments against rental arrears and to pay his future rent on time. I find the respondent has repeatedly failed to comply with his obligation to pay the full amount of his monthly rent when due. I find the respondent has accumulated rental arrears to date in the amount of \$8,293.04.

Termination of the tenancy agreement and eviction

In light of the substantial amount of rental arrears and the respondent's repeated failure to make the necessary monthly payments, I am satisfied termination of the tenancy agreement and eviction are justified. The applicant's representative requested conditional termination and eviction orders on payment of the arrears and monthly rent paid on time. The respondent acknowledged the request and agreed that he would likely be able to pay at least \$4,000 towards his arrears within three months. I am satisfied a conditional termination and eviction order is appropriate under the circumstances.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 10-14767; requiring the respondent to pay rental arrears in the amount of \$8,293.04; requiring the respondent to pay his rent on time in the future; terminating the tenancy agreement September 30, 2016, unless the respondent pays at least \$4,000 towards his rental arrears and pays his rents for July, August, and September on time; and evicting the respondent from the rental premises on October 1, 2016, if termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer