

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Krista Lynn Okrainec, 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 -

KRISTA LYNN OKRAINEC

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 \$8,480.00 (eight thousand four hundred eighty dollars).
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, and the respondent must vacate the rental premises on or before that date, unless the rental arrears 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 between the parties is terminated in accordance with paragraph 3 of this order, the respondent will be evicted from the rental premises known as #51, 9814 - 104 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-

KRISTA LYNN OKRAINEC

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 13, 2016

Place of the Hearing: Fort Simpson, Northwest Territories

Appearances at Hearing: Kathy Konisenta, representing the applicant

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 Krista Lynn Okrainec 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 on the respondent by registered mail signed for March 18, 2016.

The applicant alleged the respondent had repeatedly failed to pay rent on time and had accumulated rental arrears. An order was sought for payment of the rental arrears, that future rent be paid on time, 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. Krista Lynn Okrainec was served notice of the hearing by registered mail signed for June 2, 2016. Ms. Okrainec did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and evidence was submitted establishing a residential tenancy agreement between the parties for subsidized public housing commencing April 1, 2012. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing 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. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

The applicant's representative testified that all the rents have been assessed subsidies based on reported household income. No payments were received between July 2014 and September 2015. The payments received between October and December 2015 were of sufficient amount to pay the monthly rent and bring the rental arrears down, but the payments received after that have been either insufficient to even pay the monthly rent or just enough to pay the monthly rent. The last payment received on the account was recorded on April 26, 2016, in the amount of \$610.

I find the respondent has repeatedly failed to comply with her obligation to pay her rent. I find the respondent has accumulated rental arrears in the amount of \$8,480.

Termination of the tenancy agreement and eviction

The applicant's representative requested an order to terminate the tenancy agreement and evict the tenant conditionally on whether or not the full amount of rent was paid and monthly rents were paid on time. She proposed a period of 90 days to make the necessary payments.

Based on the clear pattern of repeatedly failing to pay the rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified. As this is the first time the respondent has been brought before a rental officer, I am satisfied the applicant's request for a conditional termination and eviction order is reasonable.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$8,480; to pay her future rent on time; terminating her tenancy agreement September 30, 2016, unless the rental arrears are paid in full and the rents for July, August, and September are paid on time; and evicting the respondent from the rental premises October 1, 2016, if the termination of the tenancy agreement becomes effective.

Adelle Guigon
Rental Officer