

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
ROSE GULLY ANDREW AND MARY LOUISE CLEMENT, 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, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **TULITA, NT**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

ROSE GULLY ANDREW AND MARY LOUISE CLEMENT

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent Rose Gully Andrew shall pay the applicant rent arrears in the amount of one thousand four hundred eighty nine dollars (\$1489.00).
2. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents Rose Gully Andrew and Mary Louise Clement shall pay the applicant rent arrears in the amount of fifteen thousand nine hundred nineteen dollars (\$15,919.00).
3. Pursuant to section 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as #0100, Tulita, NT shall be

terminated on May 15, 2013 and the respondents shall vacate the premises on that date unless rent arrears in the amount of fifteen thousand nine hundred nineteen dollars (\$15,919.00) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of March, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
ROSE GULLY ANDREW AND MARY LOUISE CLEMENT, 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 **Hal Logsdon**, Rental Officer.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

ROSE GULLY ANDREW AND MARY LOUISE CLEMENT

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 20, 2013

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Helen Squirrel, representing the applicant (via
telephone)
Rose Gully Andrew, respondent
Mary Louise Clement, respondent

Date of Decision: March 1, 2013

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent. The applicant sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement unless the arrears were paid in full. The premises are subsidized public housing.

The applicant provided copies of the tenant ledger and tenancy agreements in evidence. The tenant ledger indicates a balance of rent owing in the amount of \$17,408.

The respondents did not dispute the allegations. Ms Gully Andrew stated that she had been awarded a residential school settlement sufficient to pay the entire amount in lump sum. She stated that although she expected payment soon, she suggested that a deadline of May 15, 2013 to pay the amount would be reasonable. The applicant agreed to that date.

The applicant and Rose Gully Andrew entered into a monthly tenancy agreement on August 28, 2007. Rose Gully Andrew was the sole tenant until April 1, 2009 when a term tenancy agreement was executed for the premises with Rose Gully Andrew and Mary Louise Clement as joint tenants. Numerous term agreements followed, all naming the respondents as joint tenants. The applicant's accounting however, treats the sole tenancy and the joint tenancies as one, carrying over the April 1, 2009 balance of \$1489 on Rose Gully Andrew's account to the joint account of Rose Gully Andrew and Mary Louise Clement.

Other than the failure of the applicant to segregate these two accounts, I find the ledger in order. I find rent arrears of \$1489 to be the responsibility of Rose Gully Andrew and the remaining \$15,919 to be the joint responsibility of Rose Gully Andrew and Mary Louise Clement.

In my opinion, there are sufficient grounds to terminate the current joint tenancy unless the arrears attributable to that tenancy, namely \$15,919 are paid in full.

An order shall issue requiring Rose Gully Andrew to pay the applicant rent arrears of \$1489 and requiring Rose Gully Andrew and Mary Louise Clement to pay the applicant rent arrears of \$15,919. The tenancy shall be terminated on May 15, 2013 unless arrears of \$15,919 are paid in full.

Hal Logsdon
Rental Officer