

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dawn Isaiah**,
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,
regarding a rental premises located within the **Village of Fort Simpson in the Northwest
Territories.**

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

DAWN ISAIAH

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the Respondent shall pay her rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of October
2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dawn Isaiah**,
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BETWEEN:

NWT HOUSING CORPORATION

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-and-

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 4, 2013
<u>Place of the Hearing:</u>	Fort Simpson, Northwest Territories, via Teleconference
<u>Appearances at Hearing:</u>	Betty Hardisty, representing the Applicant Jenny Kazon-Templer, representing the Applicant
<u>Date of Decision:</u>	October 4, 2013

REASONS FOR DECISION

Application

The Application to a Rental Officer made by NWT Housing Corporation as the Applicant/Landlord against Dawn Isaiah as the Respondent/Tenant regarding the rental premises known as Lot 608, Plan 3941, in Fort Simpson, Northwest Territories, was filed by the Rental Office on August 6, 2013. The Applicant served a copy of the application on the Respondent by registered mail signed for August 26, 2013.

The Applicant requested an order for payment of rental arrears and termination of the tenancy agreement. Evidence submitted in support of the application is listed in Appendix A attached to this order.

Hearing

A hearing was scheduled for October 4, 2013, for which both parties were notified by registered mail. The Applicant appeared at hearing. The Respondent signed for their copy of the notice of appearance on September 27, 2013, but failed to appear at hearing. Pursuant to section 80(2) of the *Residential Tenancies Act* (the Act), the hearing proceeded in the Respondent's absence.

Submissions

The Applicant confirmed at hearing their initial application requested orders for payment of rental arrears in the amount of \$535 and termination of the tenancy. However, since July 29, 2013, the Respondent had made payments which results in a current credit balance to her account. The Applicant revised their application to seek only payment of future rent on time, indicating the Lease Balance Statement supports their allegation that the Respondent has repeatedly been late paying her rent.

Determinations

The Residential Tenancy Agreement is for a fixed-term tenancy from April 1, 2012, to October 31, 2013, for subsidized public housing under the Applicant's Homeownership Entry Level Program (HELP). I am satisfied a tenancy agreement exists between the parties in accordance with the Act.

The Lease Balance Statement is the landlord's accounting of charges against and payments made by the tenant. The Lease Balance Statement in evidence reflects a balance owing as of July 29, 2013, of \$535. The Lease Balance Statement also reflects repeatedly late payment of rent in the form of most monthly electronic funds transfer (EFT) payments being returned with insufficient funds (NSF). I am satisfied the Lease Balance Statement is an accurate accounting of the Respondents' payments made as of July 29, 2013. I further accept the Applicant's submissions regarding assessed rent and payments received between July 29, 2013, and October 4, 2013.

I do not find the Respondent in current rental arrears, and termination of the tenancy is not justified. I do find the Respondent has repeatedly been late paying her rent on time.

Order

An order will issue requiring the Respondent to pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential Tenancy Agreement

Exhibit 2: Correspondence Re: Payment Change dated May 7, 2013

Exhibit 3: HELP Assessment Results dated May 7, 2013

Exhibit 4: Correspondence Re: NSF Payment on HELP Account dated June 17, 2013

Exhibit 5: Lease Balance Statement dated July 29, 2013