

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Ralph Beaulieu**, Respondent;

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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the Town of Hay River in the Northwest Territories**.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**RALPH BEAULIEU**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 18th day of November 2013.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Ralph Beaulieu**, 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.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**RALPH BEAULIEU**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>November 13, 2013</b>
<b><u>Place of the Hearing:</u></b>	<b>Hay River, Northwest Territories, via Teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Adam Swanson, representing the Applicant Ralph Beaulieu, the Respondent</b>
<b><u>Date of Decision:</u></b>	<b>November 13, 2013</b>

### **REASONS FOR DECISION**

The application to a rental officer submitted by the Hay River Housing Authority as the applicant/landlord against Ralph Beaulieu as the respondent/tenant was received and filed by the Rental Office on October 4, 2013. The application was made regarding the rental premises known as Apartment 304, 46 Woodland Drive, in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent on October 10, 2013.

The applicant alleges Mr. Beaulieu has unpaid rent and has been repeatedly late paying his rent. They applied for an order for payment of rental arrears, that future rent be paid on time, termination of the tenancy, and eviction. Evidence in support of the application is listed in Appendix A attached to this order.

A hearing was scheduled for November 13, 2013. Both parties were notified of the hearing by registered mail. Mr. Adam Swanson appeared for the applicant. Mr. Ralph Beaulieu appeared representing himself as the respondent.

At hearing, Mr. Swanson advised that Mr. Beaulieu had successfully brought his rent account to a zero balance as of November 12, 2013. Mr. Swanson withdrew the applicant's request for termination of the tenancy and eviction, confirming they would like an order only for Mr. Beaulieu to pay his future rent on time.

Mr. Beaulieu did not dispute that he has accumulated rental arrears and that he has been repeatedly late paying his rent. He told me he is disabled, making it difficult to maintain consistent employment, though he does the best he can doing odd jobs. Mr. Beaulieu does not have any income at the moment. He tries to supplement himself with hunting and trapping, but this is difficult to do in his condition.

#### *Tenancy Agreement*

The residential tenancy agreement submitted by the applicant is for a fixed-term lease for subsidized public housing starting April 1, 2010, to September 30, 2010. It has continued as a periodic tenancy since October 1, 2010. I am satisfied a valid tenancy agreement is in place.

*Rental Arrears*

The client aged detail is the applicant's accounting of assessed rent and payments made by the respondent between April 1, 2012, and November 1, 2013. The respondent did not dispute the contents of the client aged detail. I am satisfied this accounting accurately represents payments made by the respondent as of November 1, 2013.

The applicant submitted at hearing that the respondent had paid his account in full as of November 12, 2013, resulting in a zero balance. The respondent did not dispute this. I am satisfied the respondent does not currently have rent owing.

*Late Payment of Rent*

The client aged detail supports the applicant's claim that the respondent has been repeatedly late paying his rent. The respondent did not dispute this. I am satisfied the respondent has repeatedly been late paying his rent.

*Termination of the Tenancy and Eviction*

Although the respondent's repeatedly late payment of his rent are grounds upon which the applicant could request termination of the tenancy, I am in support of their decision not to pursue termination of the tenancy in these circumstances and do not believe termination of the tenancy is justified at this time.

An order will issue requiring Mr. Beaulieu to pay his future rent on time.

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Adelle Guigon  
Deputy Rental Officer

## APPENDIX A

### Exhibits

- Exhibit 1: Applicant's statement of facts
- Exhibit 2: Residential tenancy agreement dated April 1, 2010
- Exhibit 3: Applicant's outstanding rental arrears correspondence to respondent dated September 9, 2013
- Exhibit 4: Applicant's outstanding rental arrears correspondence to respondent dated August 23, 2013
- Exhibit 5: Applicant's statement of respondent's account dated August 12, 2013
- Exhibit 6: Applicant's overdue account correspondence to respondent dated June 19, 2013
- Exhibit 7: Applicant's overdue rent correspondence to respondent dated May 15, 2013
- Exhibit 8: Applicant's statement of respondent's account dated April 18, 2013
- Exhibit 9: Applicant's overdue account correspondence to respondent dated March 12, 2013
- Exhibit 10: Applicant's overdue account correspondence to respondent dated January 16, 2013
- Exhibit 11: Applicant's statement of respondent's account dated November 16, 2012
- Exhibit 12: Applicant's lease balance statement dated October 1, 2012 - October 24, 2012
- Exhibit 13: Applicant's overdue account correspondence to respondent dated September 17, 2012
- Exhibit 14: Applicant's statement of respondent's account dated September 17, 2012
- Exhibit 15: Applicant's statement of respondent's account dated August 21, 2012
- Exhibit 16: Respondent's statement of monthly income dated June 6, 2012
- Exhibit 17: Respondent's statement of monthly income dated April 17, 2012
- Exhibit 18: Respondent's statement of monthly income dated March 20, 2012
- Exhibit 19: Respondent's statutory declaration verifying income dated February 21, 2012
- Exhibit 20: Respondent's statutory declaration verifying income dated January 4, 2012
- Exhibit 21: Respondent's statutory declaration verifying income dated December 12, 2011
- Exhibit 22: Applicant's statement of respondent's account dated May 22, 2012
- Exhibit 23: Applicant's statement of respondent's account dated February 21, 2012
- Exhibit 24: Applicant's overdue account correspondence to respondent dated November 22, 2011
- Exhibit 25: Applicant's statement of respondent's account dated November 22, 2011
- Exhibit 26: Applicant's statement of respondent's account dated October 20, 2011
- Exhibit 27: Applicant's correspondence to respondent dated September 22, 2011
- Exhibit 28: Applicant's statement of respondent's account dated September 22, 2011

- Exhibit 29: Applicant's correspondence to respondent dated August 26, 2011
- Exhibit 30: Applicant's statement of respondent's account dated July 20, 2011
- Exhibit 31: Respondent's statutory declaration verifying income dated July 27, 2011
- Exhibit 32: Respondent's statutory declaration verifying income dated June 17, 2011
- Exhibit 33: Respondent's statutory declaration verifying income dated May 6, 2011
- Exhibit 34: Applicant's statement of respondent's account dated April 27, 2011
- Exhibit 35: Applicant's statement of respondent's account dated March 29, 2011
- Exhibit 36: Applicant's note to file dated March 7<sup>th</sup> regarding notice to tenant to pay arrears by March 31<sup>st</sup>.
- Exhibit 37: Applicant's overdue account correspondence to respondent dated February 21, 2011
- Exhibit 38: Applicant's statement of respondent's account dated January 18, 2011
- Exhibit 39: Applicant's statement of respondent's account dated December 17, 2010
- Exhibit 40: Applicant's correspondence to respondent dated November 22, 2010
- Exhibit 41: Applicant's statement of respondent's account dated November 22, 2010
- Exhibit 42: Applicant's note to file dated October 21, 2010, regarding respondent's rent assessments
- Exhibit 43: Applicant's correspondence to respondent dated October 21, 2010
- Exhibit 44: Applicant's rental arrears correspondence to respondent dated September 21, 2010
- Exhibit 45: Applicant's statement of respondent's account dated September 21, 2010
- Exhibit 46: Applicant's correspondence to respondent dated August 20, 2010
- Exhibit 47: Applicant's statement of respondent's account dated August 20, 2010
- Exhibit 48: Applicant's overdue account correspondence to respondent dated July 19, 2010
- Exhibit 49: Applicant's statement of respondent's account dated July 19, 2010
- Exhibit 50: Applicant's statement of respondent's account dated June 18, 2010
- Exhibit 51: Applicant's statement of respondent's account dated May 18, 2010
- Exhibit 52: Applicant's statement of respondent's account dated October 3, 2013
- Exhibit 53: Applicant's client aged detail of respondent's account dated July 1, 2008, to October 3, 2013
- Exhibit 54: Applicant's notice to respondent terminating the tenancy effective October 15, 2013, pursuant to section 54(1)(g) of the *Residential Tenancies Act*
- Exhibit 55: Applicant's client aged detail of respondent's account dated July 1, 2008, to November 1, 2013