

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Brenda Matou**, 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 Community of Nahanni Butte in the Northwest Territories**.

BETWEEN:

**FORT SIMPSON HOUSING AUTHORITY**

Applicant/Landlord

- and -

**BRENDA MATOU**

Respondent/Tenant

**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 \$1,326.00 (one thousand three hundred twenty-six dollars) in monthly installments of \$50 (fifty dollars) due the first of each month starting January 1, 2014.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of December 2013.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Brenda Matou**, 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:

**FORT SIMPSON HOUSING AUTHORITY**

Applicant/Landlord

-and-

**BRENDA MATOU**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>December 4, 2013</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories, via Teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Kathy Konisenta, representing the Applicant Brenda Matou, representing herself</b>
<b><u>Date of Decision:</u></b>	<b>December 4, 2013</b>

**REASONS FOR DECISION**

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Brenda Matou as the respondent/tenant was received and filed by the Rental Office on July 19, 2013. The applicant attempted to serve a copy of the filed application on the respondent by registered mail sent July 25, 2013. Due to delivery issues with Canada Post, the application was returned to sender August 26, 2013. The applicant re-sent the application by regular mail to the respondent and confirmed directly with her on October 31, 2013, that she did in fact receive the package.

The application is regarding a tenancy agreement for the rental premises known as Unit NB-SK49 in Nahanni Butte, Northwest Territories, and alleges the tenant has rental arrears. Evidence in support of the allegations is listed in Appendix A attached to this order.

A hearing was scheduled for November 1, 2013, by teleconference. Notices of attendance were sent to both parties by registered mail sent October 15, 2013. Again due to delivery issues with Canada Post, the respondent did not receive the notice of hearing. The applicant had been in contact with the respondent and informed her verbally of the scheduled hearing, misinforming her of the start time. Neither party appeared at hearing. I learned upon contacting the applicant that she had misread the notice and thought the hearing was later in the day. In light of the issues with delivery of registered mail to Nahanni Butte, I agreed to re-schedule the hearing this time.

The telephone hearing was re-scheduled to December 4, 2013. New notices of attendance were sent to the applicant by registered mail and to the respondent by regular mail. Ms. Kathy Konisenta appeared at hearing representing the applicant. Ms. Brenda Matou appeared at hearing representing herself.

Ms. Konisenta testified at hearing that Ms. Matou has rental arrears of \$1,326 as of November 30, 2013. The last payment received from Ms. Matou was May 21, 2013. The applicant is seeking an order for payment of rental arrears.

Ms. Matou did not dispute the rental arrears. She did imply she believed her boyfriend was going to make some payments on her behalf, but indicated she would have to have a discussion with him about it.

### *Tenancy Agreement*

A residential tenancy agreement dated April 1, 2012, was submitted into evidence establishing a fixed-term tenancy from April 1, 2012, to September 30, 2013, after which the tenancy reverted to a periodic (month-to-month) tenancy, for subsidized public housing in Nahanni Butte. There was no dispute regarding the tenancy. I am satisfied a valid tenancy agreement is in place.

### *Rental Arrears*

The customer aged detail submitted by the applicant represent's the landlord's accounting of assessed rent and payments made by the tenant. There was no dispute regarding this document, nor the existence of rental arrears. I am satisfied the customer aged detail accurately represents payments made by the tenant and I find Ms. Matou has rental arrears in the amount of \$1,326.

### *Payment Plan*

In discussion with the parties, they agreed establishing a payment plan within an order for payment would be preferable. Ms. Matou indicated she could afford to pay \$50 per month in addition to her assessed rent. Ms. Matou's average assessed rent is \$75. Ms. Konisenta was satisfied with this.

### *Future Rent Payments*

In reviewing the customer aged detail and considering there are rental arrears representing approximately six months' rent, I find it appropriate to issue an order that Ms. Matou pay her rent on time in the future.

### *Orders*

An order will issue requiring Ms. Matou to pay rental arrears of \$1,326 in installments of \$50 per month due the first of the month starting January 1, 2014, and that she pay her future rent on time.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential Tenancy Agreement dated April 1, 2012

Exhibit 2: Customer Aged Detail as at June 30, 2013

Exhibit 3: Customer Aged Detail as at October 17, 2013

Exhibit 4: Customer Aged Detail as at November 1, 2013