

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dale Timbre and Mavis Bertrand**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the Hamlet of Fort Liard in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

DALE TIMBRE and MAVIS BERTRAND

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$580 (five hundred eighty dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

3. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as Lot 292, Plan 3919, in Fort Liard, Northwest Territories, is terminated on February 28, 2014, and the respondents must vacate the rental premises on or before that date.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of December 2013.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dale Timbre and Mavis Bertrand**, 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

DALE TIMBRE and MAVIS BERTRAND

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 27, 2013
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, via Teleconference
<u>Appearances at Hearing:</u>	Chris Hewitt, representing the Applicant
<u>Date of Decision:</u>	November 27, 2013

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Dale Timbre and Mavis Bertrand as the respondents/tenants was filed by the Rental Office August 6, 2013. The applicant served a copy of the filed application package on the respondents by registered mail signed for August 22, 2013.

The application was made with respect to a tenancy agreement for the rental premises known as Lot 292, Plan 3919, in Fort Liard, Northwest Territories. The applicant alleged the respondents had accumulated rental arrears. Evidence submitted in support of the application is listed in Appendix A attached to this order.

A hearing was scheduled for November 27, 2013. Notices of attendance were sent to the parties by registered mail sent November 5, 2013. Mr. Chris Hewitt attended representing the applicant. Mr. Timbre and Ms. Bertrand signed for their notice of attendance on November 26, 2013. Neither party appeared at hearing, nor did anyone appear to represent them. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Hewitt advised me Mr. Timbre and Ms. Bertrand had accumulated rental arrears in the amount of \$580 as of November 27, 2013. Referring to the tenant ledger submitted by the applicant, Mr. Hewitt confirmed the tenants' subsidized rent was assessed at \$152 per month. He submitted as well the tenants repeatedly had insufficient funds (NSF) in their bank account to support scheduled automatic withdrawals (AWD) for rent, including for the most recent AWD on November 21, 2013.

Mr. Hewitt requested an order for payment of rental arrears, that future rent be paid on time, and termination of the tenancy agreement. He justified the request for termination of the tenancy agreement based on the accumulated rental arrears, the repeatedly late payments of rent, and a lack of communication from the tenants with respect to the household situation.

Tenancy Agreement

The Homeownership Entry Level Program (HELP) is designed to assist approved applicants with the opportunity to assume the responsibilities of homeownership prior to purchasing a home. A HELP contract was entered into between the parties on March 9, 2010, requiring the tenants to enter into six-month fixed-term leases beginning March 11, 2010, and continuing for a two-year period. The HELP contract also requires the tenants to provide verification of income annually,

when household income changes, and when requested by the Corporation.

A residential lease agreement under HELP was submitted into evidence for subsidized public housing for the rental premises known as Lot 292, Plan 3919, in Fort Liard, Northwest Territories. This agreement was for a fixed-term starting April 1, 2012, ending October 31, 2013. I am satisfied a valid tenancy agreement was in place.

Rental Arrears

The lease balance statement and internal ledger are the landlord's accountings of assessed rent and payments made by the tenants as of November 21, 2013. I am satisfied these ledgers accurately represent the accumulation of rental arrears against Mr. Timbre's and Ms. Bertrand's account. These ledgers further indicate one payment towards the rental arrears of \$315 made by money order on March 27, 2013, in addition to the AWD payments to the account.

I accept the notices from the landlord to the tenants regarding re-assessed rent, NSF payments, and outstanding arrears as indications the tenants were aware of the status of their account.

I find the tenants have accumulated rental arrears in the amount of \$580. In light of the negligible effort on the part of the tenants to rectify the rental arrears and to communicate effectively with the landlord as required by the residential tenancy agreement and HELP contract, I find termination of the tenancy agreement is justified.

An order will issue requiring the tenants to pay rental arrears in the amount of \$580, to pay future rent on time, and terminating the tenancy agreement on February 28, 2014.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Homeownership Entry Level Program Contract signed March 9, 2010

Exhibit 2: Residential Lease Agreement

Exhibit 3: Lease Balance Statement for April 1, 2012, to July 29, 2013

Exhibit 4: Applicant's Payment Change correspondence dated July 24, 2012

Exhibit 5: HELP Assessment Results dated July 24, 2012

Exhibit 6: Applicant's NSF Payment on HELP Account correspondence dated July 10, 2013

Exhibit 7: Applicant's Outstanding Rental Arrears - 30 Days correspondence dated May 21, 2013

Exhibit 8: Internal Ledger to NWTHC from October 22, 2012, to November 21, 2013