

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Chelsey Doctor**, 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 **Hamlet of Tulita in the Northwest Territories**.

BETWEEN:

**TULITA HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**CHELSEY DOCTOR**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay to the applicant rental arrears in the amount of \$617 (six-hundred seventeen dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit #0083 in Tulita, Northwest Territories, is terminated effective December 8, 2013, and the tenant must vacate the rental premises on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 2nd day of December 2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Chelsey Doctor**, 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:

**TULITA HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**CHELSEY DOCTOR**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** November 29, 2013

**Place of the Hearing:** Tulita, Northwest Territories, via Teleconference

**Appearances at Hearing:** Helen Squirrel, representing the Applicant

**Date of Decision:** November 29, 2013

**REASONS FOR DECISION**

This application to a rental officer made by Tulita Housing Association as the applicant/landlord against Chelsey Doctor as the respondent/tenant was received and filed by the Rental Office on August 28, 2013. The applicant served a copy of the filed application on the respondent by registered mail, which was signed for on September 23, 2013.

The applicant alleges the tenant has rental arrears and has failed to comply with additional obligations, specifically to provide monthly income information. Evidence submitted in support of the allegations is listed in Appendix A attached to this order.

A hearing was scheduled for November 29, 2013. Notices of attendance were sent by registered mail to both parties. Ms. Helen Squirrel appeared at hearing representing the applicant. Ms. Chelsey Doctor signed for her notice of attendance on November 12, 2013. She failed to appear at hearing. The hearing proceeded in her absence.

Ms. Squirrel submitted at hearing that Ms. Doctor had accumulated rental arrears in the amount of \$617 representing approximately nine months of subsidized rent. A previous order issued by the Rental Officer November 6, 2012, required payment of rental arrears at the time of \$396, compensation for cleaning costs of \$413.99, and termination of the tenancy agreement on November 30, 2012, if these amounts and outstanding security deposit had not been paid. Ms. Squirrel advised Ms. Doctor had not satisfied the order as required, however, they had come to an agreement where Ms. Doctor said she would pay those outstanding amounts by March 31, 2013. The ordered amount was not paid in full until April 12, 2013. In addition, arrears had begun accumulating for subsequent months such that at no time to date has Ms. Doctor held a zero balance on her account. Correspondence had been sent to Ms. Doctor regarding the rental arrears and requesting payment.

Ms. Squirrel requested an order for payment of rental arrears in the amount of \$617, termination of the tenancy agreement for repeatedly failing to pay rent, and eviction.

*Tenancy Agreement*

The landlord and tenant first entered into a tenancy agreement November 1, 2011, for subsidized public housing. Two residential tenancy agreements were submitted into evidence corroborating the commencement and continuation of the tenancy for Unit #0083 in Tulita, Northwest Territories.

Rental Officer Order No. 20-13034 was issued November 6, 2012, for payment of rental arrears of \$396, payment of cleaning costs of \$413.99, and termination of the tenancy agreement effective November 30, 2012, if the payments ordered were not made by that date. A copy of this order was submitted into evidence.

The tenant ledger card is the landlord's accounting of assessed rent and payments made by the tenant. I am satisfied this ledger accurately represents payments made by the tenant to date.

The tenant ledger card and Ms. Squirrel's testimony satisfy me that Ms. Doctor failed to pay the amounts owing as ordered in Rental Officer Order No. 20-13034 by November 30, 2012. The tenancy agreement was effectively terminated November 30, 2012. However, the continued assessment of subsidized rent and entering into a verbal agreement extending the due date for payment of arrears effectively created an implied tenancy agreement between the parties. I am satisfied a valid tenancy agreement remains in effect.

#### *Rental Arrears*

The tenant ledger cards reflect rental arrears currently owing of \$617. Ms. Squirrel's testimony corroborates this. I am satisfied Ms. Doctor has rental arrears in the amount of \$617 as of November 29, 2013.

#### *Termination of the tenancy agreement and eviction*

The tenant ledger cards reflect a pattern of behaviour supporting the allegation Ms. Doctor has repeatedly failed to pay her rent. Although she has made bulk payments in January, February, March, and April, her history of payments is sporadic and has not been sufficient to bring her account to a zero balance. She made a small payment November 22, 2013; prior to that the last payment received was April 12, 2013. Ms. Doctor has failed to respond to the landlord's requests for payment of rental arrears and has not complied with a previous order. I find termination of the tenancy agreement and eviction is justified.

An order will issue for payment of rental arrears in the amount of \$617 and terminating the tenancy agreement effective December 8, 2013.

An eviction order effective December 9, 2013, will follow under separate cover.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Tenant Ledger Card for Rent from November 18, 2011, to July 18, 2013
- Exhibit 2: Tenant Ledger Card for Tenant Security Deposit from July 18, 2012, to November 30, 2012
- Exhibit 3: Rental Officer Order and Reasons for Decision for File #20-13034
- Exhibit 4: Applicant's Rent Calculations for April 2012 to July 2013
- Exhibit 5: Applicant's Notice of Termination - Residential Tenancy Act s. 54(1)  
Correspondence to Respondent dated May 27, 2013
- Exhibit 6: Lease Balance Statement for January 2, 2012, to April 12, 2013
- Exhibit 7: Applicant's Termination Notice Correspondence to Respondent dated January 15, 2013
- Exhibit 8: Applicant's Payment of \$70.00 Correspondence to Respondent dated July 15, 2012
- Exhibit 9: Applicant's Rental Officer Order #20-13034 Termination/Eviction of Tenancy Agreement Correspondence to Respondent dated April 22, 2013
- Exhibit 10: Residential Tenancy Agreement - Indeterminate Lease dated March 27, 2012
- Exhibit 11: Household Income Forms for November 2011 to March 2012
- Exhibit 12: Residential Tenancy Agreement - Fixed Term Lease dated November 1, 2011
- Exhibit 13: Tenant Ledger Card for April 12, 2013, to November 22, 2013
- Exhibit 14: Applicant's Adjustments correspondence to respondent dated November 22, 2013
- Exhibit 15: Applicant's Report Income - May 2013 to October 2013 correspondence to respondent dated October 17, 2013