

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

BETWEEN:

**TULITA HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**CECILE MACCAULEY**

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 \$14,814 (fourteen thousand eight hundred fourteen dollars).

2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit #0033 in Tulita, Northwest Territories, is terminated on January 31, 2014, and the respondent must vacate the rental premises on or before that date, unless the respondent has made any payments towards her rental arrears.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of December 2013.

---

Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Cecile MacCauley**, 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-

**CECILE MACCAULEY**

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**

An application to a rental officer made by Tulita Housing Association as the applicant/landlord against Cecile MacCauley as the respondent/tenant was filed by the Rental Office August 28, 2013. The applicant served a copy of the filed application package on the respondent by registered mail signed for September 16, 2013.

The application was regarding a residential tenancy agreement for subsidized public housing at the rental premises known as Unit #0033 in Tulita, Northwest Territories. The applicant alleged the tenant had accumulated rental arrears. Evidence submitted regarding this application is listed in Appendix A attached to this order.

A hearing was scheduled for November 29, 2013. Notices of attendance were sent to the parties by registered mail on November 5, 2013. Ms. Helen Squirrel appeared at hearing representing the applicant. Ms. Cecile MacCauley was deemed served November 12, 2013, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). I contacted her by telephone November 28, 2013, and verbally advised her of the time and place of the hearing. She indicated to me she intended to be there and had complaints of her own to bring forward. Ms. MacCauley did not appear at the hearing, nor did anyone appear to represent her. I was satisfied Ms. MacCauley was aware of the scheduled hearing and proceeded in her absence, pursuant to section 80(2) of the Act.

Ms. Squirrel submitted that Ms. MacCauley had been and is currently in a subsidized public housing, month-to-month residential tenancy agreement with the applicant since April 1, 1990. Ms. MacCauley began accumulating rental arrears in February 2012, after which payments were received sporadically and of amounts insufficient to cover the assessed monthly rent. The last payment received from Ms. MacCauley was for \$200 on March 18, 2013.

As a tenant in subsidized public housing, Ms. MacCauley is obligated to report her monthly household income on a regular basis and as requested by the landlord; she has not submitted a monthly income report since January 2013.

There was no communication from Ms. MacCauley between March and October 2013. Ms. Squirrel contacted Ms. MacCauley by telephone October 17, 2013, to request her monthly household income reports; no reports have been received to date. A further attempt to communicate with Ms. MacCauley regarding the rental arrears and income reports was made November 13, 2013, however, Ms. MacCauley reportedly was upset and cut the call short. No reasons were expressed by Ms. MacCauley to the applicant for her failure to pay her rent and report her income.

Ms. Squirrel requested on behalf of the applicant an order for the payment of rental arrears and termination of the tenancy agreement if payments are not received. She justified her request for termination of the tenancy agreement by referencing the substantial amount of rental arrears accumulated, the failure to comply with her obligation to provide monthly income reports, and the failure to communicate with the applicant.

#### *Tenancy Agreement*

Three residential tenancy agreements were submitted by the applicant representing the continuous tenancy of Ms. MacCauley in subsidized public housing since April 1, 1990. I am satisfied a valid tenancy agreement is in place.

#### *Rental Arrears*

The tenant ledger cards are the landlord's accounting of monthly assessed rent and payments made by the respondent between February 7, 2012, and November 13, 2013. I am satisfied these ledgers accurately represent the tenant's rent account as of November 13, 2013. I find Ms. MacCauley has rental arrears of \$14,814.

#### *Termination of the Tenancy Agreement*

Seven letters from the applicant to the respondent dated between March 13, 2012, and July 31, 2013, informed Ms. MacCauley of re-assessment of rent, rental arrears, and requesting monthly income reports. Telephone calls notifying the tenant of her arrears and requesting monthly income reports were attempted on several occasions by the landlord with limited success. I am satisfied Ms. MacCauley was aware of the state of her account with Tulita Housing Association.

The tenant ledger cards also tell me Ms. MacCauley's efforts to pay towards her rental arrears were sporadic at best and ceased altogether after March 2013. Ms. Squirrel testified she would not be opposed to giving Ms. MacCauley an opportunity to make efforts to pay down her rental arrears, but reiterated the applicant's request for termination of the tenancy. I find conditional termination of the tenancy agreement between the parties is justified.

An order will issue requiring Ms. MacCauley to pay rental arrears in the amount of \$14,814 and terminating the tenancy agreement on January 31, 2014, unless any payments have been received by the applicant towards the rental arrears.

---

Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Tenant Ledger Cards for February 7, 2012, to July 31, 2013
- Exhibit 2: Applicant's Outstanding Rental Arrears - 45 Days correspondence to respondent dated July 31, 2013
- Exhibit 3: Applicant's Outstanding Rental Arrears - 30 Days correspondence to respondent dated July 31, 2013
- Exhibit 4: Applicant's Outstanding Rental Arrears correspondence to respondent dated July 31, 2013
- Exhibit 5: Applicant's Rent Calculations for April 2012 to July 2013
- Exhibit 6: Applicant's Outstanding Rental Arrears - 45 Days correspondence to respondent dated May 27, 2013
- Exhibit 7: Applicant's Outstanding Rental Arrears - 30 Days correspondence to respondent dated April 30, 2013
- Exhibit 8: Applicant's Report Income and Pay Rent correspondence to respondent dated April 24, 2013
- Exhibit 9: Residential Tenancy Agreement - Indeterminate Lease dated March 27, 2012
- Exhibit 10: Household Income Forms for February and March 2012
- Exhibit 11: Applicant's Rent Assessment correspondence to respondent dated March 13, 2012
- Exhibit 12: Residential Tenancy Agreement - Indeterminate Lease dated April 20, 2006
- Exhibit 13: Residential Tenancy Agreement
- Exhibit 14: Tenant Ledger Card for April 23 to November 13, 2013
- Exhibit 15: Applicant's Report Income March 2013 - October 2013 correspondence to respondent dated October 17, 2013