

IN THE MATTER between **Paulatuk Housing Association**, Applicant, and **Sadie Lester**, 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 Paulatuk in the Northwest Territories**.

BETWEEN:

PAULATUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

SADIE LESTER

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$9,614.00 (nine thousand six hundred fourteen dollars), to be paid in monthly installments of \$50.00 (fifty dollars) due the 15th of each month;
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 29th day of January 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Paulatuk Housing Association**, Applicant, and **Sadie Lester**, 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:

PAULATUK HOUSING ASSOCIATION

Applicant/Landlord

-and-

SADIE LESTER

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 4, 2013

Place of the Hearing: Yellowknife, Northwest Territories, via Teleconference

Appearances at Hearing: Ms. Eileen Ruben, representing the Applicant
Ms. Sadie Lester, representing herself

Date of Decision: January 28, 2014

REASONS FOR DECISION

An application to a rental officer made by Paulatuk Housing Association as the applicant/landlord against Sadie Lester as the respondent/tenant was filed by the Rental Office July 29, 2013. The application was made with regard to the rental premises known as Unit #21 in Paulatuk, Northwest Territories. The applicant served a copy of the filed application package on the respondent by registered mail signed for August 14, 2013.

The applicant alleged the respondent had failed to pay her rent on time and had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 23, 2013, for which both parties were served notices of attendance. An adjournment was granted by the presiding rental officer at the request of the respondent. The hearing was rescheduled for December 4, 2013. Both parties were served notices of attendance by registered mail. Ms. Eileen Ruben appeared representing the applicant; Ms. Sadie Lester appeared representing herself.

Ms. Ruben testified that Ms. Lester had accumulated rental arrears in the amount of \$9,614 as of December 1, 2013. Lease balance statements and tenant ledger cards submitted into evidence support the allegation that Ms. Lester had not made any payments towards her rent account since November 2009. Although amounts for tenant damages were listed in the statements, Ms. Ruben confirmed they were not seeking those costs at this time. She indicated the applicant was seeking an order for payment of rental arrears and that future rent be paid on time.

Ms. Lester did not dispute the amount of accumulated rental arrears, but she did question the assessed rent of \$325 per month that had been applied since July 2012. Ms. Lester stated she had been told when bringing in her income statements that the rent would be \$32. Ms. Ruben clarified that as of July 2012 child tax and survival benefits were being included in the rent assessment calculations; once those amounts were reported Ms. Lester's rent was re-assessed to \$325 per month.

Ms. Lester confirmed she had not made any payments towards her rent since 2009, explaining she withheld the rent due to repairs to the rental premises not being effected by the landlord. Ms. Lester listed several deficiencies to the rental premises of which the landlord had repeatedly been informed, and for which the repairs kept getting delayed or ignored. Ms. Ruben acknowledged there was work to be done to Ms. Lester's unit, as well as others in the community, and that there was every expectation the work would be completed when the barge can get to the community in June 2014 or so. Ms. Lester argued she had received the same assurances for the last three years in a row. In light of the extent of the deficiencies I asked Ms. Lester to submit an application to a rental officer should she wish to pursue compensation and/or reparations. I also cautioned her that withholding rent was contrary to the *Residential Tenancies Act* (the Act).

Tenancy agreement

The residential tenancy agreements submitted into evidence by the landlord reflect a tenancy for subsidized public housing between the parties which began June 1, 1987, and has continued uninterrupted to date. The current rental premises occupied by Ms. Lester is identified as Unit #21 in Paulatuk, Northwest Territories. The most recent agreement was for a month-to-month tenancy starting April 1, 2012. I am satisfied a valid tenancy agreement is in place.

Rental arrears

The lease balance statements and tenant ledger cards submitted into evidence are the landlord's accounting of assessed rent and payments made since April 1, 1998. Ms. Lester did not dispute the amounts alleged in these documents. I am satisfied these documents accurately reflect the assessed rent and payments made by Ms. Lester.

These documents also included four charges for tenant damages for which the applicant was not requesting compensation at this time. An exhaustive review by me of the tenant ledger cards, putting aside the charges for tenant damages, resulted in calculated rental arrears of \$9,614 as of December 4, 2013, which corroborates the amount requested by the landlord.

An order will issue for payment of rental arrears in the amount of \$9,614 and that Ms. Lester pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's Tenant Statement Receipt correspondences to respondent dated between December 31, 2010, and March 31, 2013
- Exhibit 2: Applicant's Termination Notice of an Indeterminate Tenancy Agreement correspondence to respondent dated November 21, 2012
- Exhibit 3: Applicant's Power Extension Cord correspondence to respondent dated June 30, 2011
- Exhibit 4: Applicant's Annual Income Reporting correspondence to respondent dated July 31, 2011
- Exhibit 5: Applicant's New Unit Assignment correspondence to respondent dated October 5, 2011
- Exhibit 6: Northwest Territories Housing Corporation Public Housing Rental Assessments correspondence to respondent dated December 6, 2010
- Exhibit 7: Applicant's Outstanding Rental Arrears - 30 Days correspondence to respondent dated January 5, 2009
- Exhibit 8: Applicant's Notes to File regarding respondent dated January 21, 2009
- Exhibit 9: Applicant's PHRS not Received for the Month(s) correspondence to respondent dated May 25, 2009
- Exhibit 10: Agreement to Pay between applicant and respondent signed May 26, 2009
- Exhibit 11: Northwest Territories Education, Culture and Employment Public Housing Rental Subsidy (PHRS) correspondences to respondent dated February 15 and May 15, 2008
- Exhibit 12: Applicant's First Notice of Arrears correspondence to respondent dated June 2, 2008
- Exhibit 13: Applicant's Income Reporting Requirement correspondence to respondent dated August 15, 2008
- Exhibit 14: Applicant's Outstanding Rental Arrears correspondence to respondent dated August 21, 2008
- Exhibit 15: Applicant's Lease Agreement for Unit 21 correspondence to respondent dated August 21, 2008
- Exhibit 16: Applicant's Lease Agreement for Unit 21 - 2nd Notice correspondence to respondent dated October 2, 2008
- Exhibit 17: Applicant's Tenant Damages correspondence to respondent dated November 12, 2008
- Exhibit 18: Applicant's Outstanding Rental Arrears correspondence to respondent dated November 26, 2008
- Exhibit 19: Northwest Territories Education, Culture and Employment Public Housing Rental Subsidy (PHRS) correspondence to respondent dated December 15, 2008
- Exhibit 20: Applicant's Notice of Maximum Rent Adjustments correspondence to respondent (undated)
- Exhibit 21: Applicant's 2nd Notice of Rental Arrears correspondence to respondent dated August 15, 2007
- Exhibit 22: Applicant's Services to All PHA Units correspondence to respondent dated November 1, 2007
- Exhibit 23: Applicant's 1st Notice of Rental Arrears correspondence to respondent dated March 23, 2006
- Exhibit 24: Applicant's 2nd Notice of Rental Arrears correspondence to respondent dated April 5, 2006
- Exhibit 25: Applicant's Notice of New Tenancy Agreement correspondence to respondent dated May 16, 2006
- Exhibit 26: Applicant's 1st Notice of Rental Arrears correspondence to respondent dated September 8, 2006
- Exhibit 27: Applicant's 2nd Notice of Rental Arrears correspondence to respondent dated October 17, 2006
- Exhibit 28: Applicant's 3rd Notice of Rental Arrears correspondence to respondent dated November 7, 2006

- Exhibit 29: Inuvik Regional Health and Social Services Authority Accessing Counselling Services in Inuvik correspondence to respondent dated November 16, 2006
- Exhibit 30: Applicant's PHRS Not Received for the Missing Month(s) correspondence to respondent dated December 19, 2006
- Exhibit 31: Applicant's First Notice of Monthly Payments and Arrears Owing correspondence to respondent dated February 1, 2001
- Exhibit 32: Applicant's Outstanding Rental Arrears correspondence to respondent dated August 25, 1998
- Exhibit 33: Applicant's Outstanding Rental Arrears correspondence to respondent dated October 5, 1998
- Exhibit 34: Residential Tenancy Agreement - Indeterminate Lease dated April 1, 2012
- Exhibit 35: Residential Tenancy Agreement - Fixed Term Lease dated June 22, 2010
- Exhibit 36: Residential Tenancy Agreement - Fixed Term Lease dated July 20, 2009
- Exhibit 37: Residential Tenancy Agreement - Fixed Term Lease dated May 26, 2009
- Exhibit 38: Residential Tenancy Agreement - Fixed Term Lease dated January 1, 2009
- Exhibit 39: Residential Tenancy Agreement - Fixed Term Lease dated November 1, 2008
- Exhibit 40: Residential Tenancy Agreement - Fixed Term Lease dated May 1, 2008
- Exhibit 41: Residential Tenancy Agreement - Fixed Term Lease dated June 13, 2007
- Exhibit 42: Residential Tenancy Agreement - Fixed Term Lease dated November 15, 2006
- Exhibit 43: Residential Tenancy Agreement dated June 1, 1998
- Exhibit 44: Tenancy Agreement dated June 29, 1988
- Exhibit 45: Tenancy Agreement dated May 19, 1987
- Exhibit 46: Lease Balance Statement for April 1, 2012, to April 1, 2013
- Exhibit 47: Tenant Ledger Cards for April 1, 1998, to February 1, 2013
- Exhibit 48: Lease Balance Statement for April 1, 2013, to December 1, 2013
- Exhibit 49: Tenant Ledger Cards for rent from April 1, 2013, to December 31, 2013
- Exhibit 50: Tenant Ledger Card for tenant damages from October 17, 2013, and June 12, 2013
- Exhibit 51: Applicant's Work Order correspondence to respondent dated October 14, 2010
- Exhibit 52: Applicant's Work Order dated June 12, 2013, for removal and installation of broken doors for \$282.52
- Exhibit 53: Applicant's Invoice 230128 dated October 14, 2010, for \$217.51
- Exhibit 54: Applicant's Work Order dated October 4, 2010, for replacement of damaged dead bolt and passage set for \$207.15
- Exhibit 55: Applicant's Work Order correspondence to respondent dated October 14, 2010
- Exhibit 56: Lease balance statement for April 1, 2012, to December 1, 2013
- Exhibit 57: Tenant ledger cards for rent for April 1, 2012, to December 31, 2013
- Exhibit 58: Tenant ledger card for tenant damages for October 17 to December 6, 2013