

IN THE MATTER between **Lutsel K'e Housing Authority**, Applicant, and **Ron Fatte**,  
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 **community of Lutselk'e in the Northwest  
Territories.**

BETWEEN:

**LUTSEL K'E HOUSING AUTHORITY**

Applicant/Landlord

- and -

**RON FATTE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(3) of the *Residential Tenancies Act*, rental officer order number 20-12992 is rescinded and the respondent must pay to the applicant rental arrears in the amount of \$14,725.00 (fourteen thousand seven hundred twenty-five dollars).
2. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent must comply with his obligation to report his total household income to the applicant.

3. Pursuant to sections 41(4)(c), 45(4)(e), and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as Unit #232A, SK-022, in Lutselk'e, Northwest Territories, will be terminated April 30, 2014, and the respondent must vacate the rental premises on or before that date, unless the rental arrears are paid in full and all outstanding household income reports are received by the applicant.

DATED at the City of Yellowknife in the Northwest Territories this 11th day of March 2014.

---

Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Lutsel K'e Housing Authority**, Applicant, and **Ron Fatte**,  
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:

**LUTSEL K'E HOUSING AUTHORITY**

Applicant/Landlord

-and-

**RON FATTE**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** February 25, 2014

**Place of the Hearing:** Lutselk'e, Northwest Territories, via teleconference

**Appearances at Hearing:** Michael Keohane, representing the applicant

**Date of Decision:** February 25, 2014

**REASONS FOR DECISION**

An application to a rental officer made by Lutsel K'e Housing Authority as the applicant/landlord against Ron Fatte as the respondent/tenant was filed by the Rental Office December 18, 2013.

The application was made regarding a tenancy agreement for the rental premises known as Unit #232A, SK-022, in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondent by personal service January 13, 2014.

The applicant alleged the tenant had accumulated rental arrears and failed to comply with a rental officer order. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for February 25, 2014. The applicant was served notice of attendance by registered mail signed for January 27, 2014; Mr. Michael Keohane appeared representing the applicant. The respondent was served notice of attendance by personal service February 7, 2014; Mr. Ron Fatte did not appear at hearing, nor did anyone appear on his behalf. Having been given sufficient notice, the hearing proceeded in Mr. Fatte's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Keohane testified at hearing that Mr. Fatte is a tenant in subsidized public housing for which rent is assessed based on total household income. Mr. Fatte had been directed by rental officer order 10-12992 issued October 3, 2012, to pay rental arrears of \$41,023 in monthly installments of \$100 starting September 30, 2012, to pay rent on time in the future, and to report his household income as per the tenancy agreement. A mutual disclosure agreement between the applicant and Income Assistance has enabled the applicant to obtain Mr. Fatte's reported income for 2010 and 2011 calendar years from which the applicant was able to recalculate Mr. Fatte's rent, reducing the rental arrears accumulated as of September 24, 2012, to \$12,190. Mr. Fatte's reported income has continued to be shared by Income Assistance to date, however, Mr. Fatte has not personally attended the applicant's office to report his income directly and has failed to make any rent payments at all since October 2012 resulting in a further accumulation of rent to date of \$2,535; the total rental arrears as of February 25, 2014 are \$14,725.

Mr. Keohane testified that numerous attempts had been made to communicate with Mr. Fatte the requirement to comply with his obligation to pay rent. Mr. Fatte has been made aware both verbally and by written correspondence of the amount of his rental arrears and yet he still has not made any effort to remedy the situation. Mr. Keohane requested that rental officer order number 10-12992 be rescinded and replaced with an order for payment of the total rental arrears of \$14,725. He also requested an order for any outstanding household income reports to be supplied and terminating the tenancy unless the rental arrears were paid in full.

*Tenancy agreement*

The residential tenancy agreement entered into evidence is made between the parties for a periodic month-to-month tenancy starting April 1, 2012, for subsidized public housing in the rental premises known as Unit #232A, SK-022, in Lutselk'e, Northwest Territories. I am satisfied a valid tenancy agreement is in place.

*Obligation to report household income*

Section 6 of the residential tenancy agreement requires the tenant to report his household income whenever and as often as requested. The applicant testified that this has only recently been done indirectly by the tenant with cooperation from Income Assistance. I am satisfied an order for compliance with the obligation to report household income is appropriate.

*Rental arrears*

The lease balance statements and lease ledger submitted into evidence are the landlord's accounting of assessed subsidized rent and payments made by the tenant. I am satisfied these documents reflect an accurate accounting of payments made by the tenant and accurate calculations of subsidized rent. I find Mr. Fatte has accumulated rental arrears as of February 25, 2014, in the amount of \$14,725. I further find it appropriate to rescind rental officer order number 10-12992 and replace it with an order accounting for the total amount of rental arrears.

*Termination of the tenancy agreement*

In these circumstances, the accumulated rental arrears represent a substantial amount of money owed to the applicant for the right to occupy subsidized public housing. Mr. Fatte's failure to acknowledge his obligation to pay subsidized rent, repeatedly and over a lengthy period of time, justifies the applicant's request for an order terminating the tenancy agreement should Mr. Fatte fail to pay his rental arrears and report his household income as required.

An order will issue rescinding rental officer order number 10-12992, requiring the respondent to pay rental arrears in the amount of \$14,725, requiring the respondent to report his household income, and terminating the tenancy agreement April 30, 2014, unless the rental arrears are paid in full and the household income is reported as required.

---

Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's summary of requests dated December 18, 2013
- Exhibit 2: Residential tenancy agreement - indeterminate lease dated March 20, 2013
- Exhibit 3: Residential tenancy agreement - indeterminate lease dated March 23, 2012
- Exhibit 4: Ledger cards for rent from October 2012 to December 2013
- Exhibit 5: Rental Officer order number 10-12992 issued October 3, 2012
- Exhibit 6: Applicant's order of the rental officer #10-12992 correspondence to respondent dated February 6, 2013
- Exhibit 7: Applicant's unit #232A rental arrears \$26,710.00 as at August 19, 2013  
correspondence to respondent dated August 19, 2013
- Exhibit 8: Lease balance statement for rent from April 1, 2012, to August 1, 2013
- Exhibit 9: Lease balance statement for rent from April 1, 2012, to February 1, 2014
- Exhibit 10: Lease ledger for rent from April 1, 2012, to February 24, 2014