

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Sam Beaulieu and Marlena Tsetso**, 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, regarding a rental premises located within the **town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

SAM BEAULIEU and MARLENA TSETSO

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 31st day of March 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Sam Beaulieu and Marlena Tsetso**, 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:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

SAM BEAULIEU and MARLENA TSETSO

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	March 18, 2014
<u>Place of the Hearing:</u>	Hay River, Northwest Territories, via teleconference
<u>Appearances at Hearing:</u>	Adam Swanson, representing the applicant Sam Beaulieu, respondent Marlena Tsetso, respondent
<u>Date of Decision:</u>	March 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Sam Beaulieu and Marlena Tsetso as the respondents/tenants was filed by the Rental Office January 16, 2014. The application was made regarding a residential tenancy agreement for subsidized public housing between the parties for the rental premises known as 1C Park Place in Hay River, Northwest Territories. The applicant served a copy of the filed application package on the respondents by personal service January 23, 2014.

The applicant alleged in the application that the tenants had accumulated rental arrears and accrued costs associated with the repair of damages to the rental premises. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 18, 2014. Mr. Adam Swanson appeared representing the applicant/landlord; Mr. Sam Beaulieu and Ms. Marlena Tsetso appeared representing themselves as respondents/tenants.

Mr. Swanson testified at hearing that while the original application requested an order for payment of rental arrears, payment of costs associated with the repair of damages, payment of future rent on time, termination of the tenancy agreement, and eviction, since the filing of the application the respondents had paid the outstanding rent and costs for damages, and had provided updated household income information just prior to commencement of the hearing. He advised the applicant was no longer seeking to terminate the tenancy agreement and would be satisfied with an order that rent be paid on time in the future. The respondents indicated they understood the situation and their responsibilities, and agreed they had paid down their arrears and were making serious efforts to comply with their obligations.

The client aged report submitted by the applicant reflects the landlord's accounting of assessed rent and payments made. I am satisfied it accurately reflects the payments made by the tenants, which also supports the allegation that the tenants have been repeatedly late paying their rent throughout the tenancy. There being no dispute regarding the existence of the tenancy agreement and the obligations of the parties, and having established a pattern of late payments of rent, I am satisfied an order that the respondents pay their rent on time in the future is warranted.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts
- Exhibit 2: Residential tenancy agreement - fixed-term lease dated May 10, 2012
- Exhibit 3: Residential tenancy agreement - fixed-term lease dated May 10, 2012
- Exhibit 4: Residential tenancy agreement - fixed-term lease dated May 10, 2012
- Exhibit 5: Residential tenancy agreement - fixed term lease dated May 10, 2012
- Exhibit 6: Residential tenancy agreement - fixed-term lease dated May 10, 2012
- Exhibit 7: Applicant's overdue account correspondence to respondent dated December 13, 2013
- Exhibit 8: Agreement to pay rental arrears - current tenants dated November 20, 2013
- Exhibit 9: Applicant's outstanding rental arrears correspondence to respondent dated November 22, 2013
- Exhibit 10: Statement of account dated October 22, 2013
- Exhibit 11: Applicant's overdue account correspondence to respondent dated October 9, 2013
- Exhibit 12: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated September 24, 2013
- Exhibit 13: Applicant's overdue account correspondence to respondent dated September 10, 2013
- Exhibit 14: Agreement to pay rental arrears - current tenants dated May 15, 2013
- Exhibit 15: Applicant's outstanding rental arrears correspondence to respondent dated August 23, 2013
- Exhibit 16: Statement of account dated August 12, 2013
- Exhibit 17: Applicant's overdue account correspondence to respondent dated June 20, 2013
- Exhibit 18: Applicant's overdue account correspondence to respondent dated May 16, 2013
- Exhibit 19: Agreement to pay rental arrears - current tenants dated May 15, 2013
- Exhibit 20: Applicant's overdue account correspondence to respondent dated April 19, 2013
- Exhibit 21: Applicant's overdue account correspondence to respondent dated March 15, 2013
- Exhibit 22: Arrears payment agreement (promissory note) dated December 19, 2012

- Exhibit 23: Applicant's overdue account correspondence to respondent dated February 14, 2013
- Exhibit 24: Applicant's overdue account correspondence to respondent dated January 16, 2013
- Exhibit 25: Arrears payment agreement (promissory note) dated September 28, 2012
- Exhibit 26: Applicant's correspondence to respondent dated November 27, 2012
- Exhibit 27: Statement of account dated October 24, 2012
- Exhibit 28: Applicant's account arrears correspondence to respondent dated September 17, 2012
- Exhibit 29: Statement of account dated September 17, 2012
- Exhibit 30: Statement of account dated August 21, 2012
- Exhibit 31: Applicant's account arrears correspondence to respondent dated August 21, 2012
- Exhibit 32: Applicant's invoice number 8808 dated August 14, 2012
- Exhibit 33: Applicant's work order number WO-656 dated August 9, 2012
- Exhibit 34: Applicant's invoice number 204528 dated August 9, 2012
- Exhibit 35: Applicant's overdue account correspondence to respondent dated July 23, 2012
- Exhibit 36: Statement of account dated July 23, 2012
- Exhibit 37: Statement of account dated January 15, 2014
- Exhibit 38: Customer aged detail as at January 15, 2014
- Exhibit 39: Applicant's notice of termination of tenancy correspondence to respondent dated January 15, 2013, for termination January 27, 2014, pursuant to section 54(1)(g) of the Act
- Exhibit 40: Client aged detail for rent and tenant damages from May 1, 2012, to March 1, 2014
- Exhibit 41: Applicant's statement dated March 14, 2014
- Exhibit 42: Applicant's overdue account correspondence to respondents dated March 10, 2014