

IN THE MATTER between **Deline Housing Association**, Applicant, and **Miranda (Baton) Taneton**, 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 charter community of Deline in the Northwest Territories**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

MIRANDA (BATON) TANETON

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 \$1,701.70 (one thousand seven hundred one dollars seventy cents).
2. Pursuant to sections 45(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent must comply with her obligation to report her household income and report her household income for the months of November 2013 to April 2014 no later than April 30, 2014.
3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

4. Pursuant to sections 41(4)(c), 45(4)(e), and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit #0014 in Deline, 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 the household income is reported to the applicant for the months of November 2013 to April 2014.

DATED at the City of Yellowknife in the Northwest Territories this 13th day of March 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Deline Housing Association**, Applicant, and **Miranda (Baton) Taneton**, 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

MIRANDA (BATON) TANETON

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 27, 2014
<u>Place of the Hearing:</u>	Deline, Northwest Territories
<u>Appearances at Hearing:</u>	Phebie Kenny, representing the applicant Les Baton, representing the applicant
<u>Date of Decision:</u>	February 27, 2014

REASONS FOR DECISION

An application to a rental officer made by Deline Housing Association as the applicant/landlord against Miranda (Baton) Taneton 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 #0014 in Deline, Northwest Territories. The applicant served a copy of the filed application package on the respondent by personal service January 8, 2014.

The applicant alleged the respondent had failed to comply with her obligation to report household income and had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for February 27, 2014. Both parties were served with notices of attendance by registered mail signed for January 28, 2014. Ms. Phebie Kenny and Mr. Les Baton appeared representing the applicant; Ms. Miranda Taneton did not appear at hearing, nor did anyone appear on her behalf. Having been given sufficient notice, the hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Kenny testified at hearing that Ms. Taneton had not reported her household income to the landlord as required for the months of November 2013 to January 2014 and had accumulated rental arrears as of January 31, 2014 of \$6,961.63. Several written notices were given to Ms. Taneton warning of her rental arrears and failure to report her household income, and the consequences for failing to remedy the situation.

A previous rental officer order number 20-13016 dated December 3, 2012, directed the payment of rental arrears accumulated as of November 1, 2012, in the amount of \$5,259.93; Ms. Kenny confirmed this amount is included in the total amount currently being claimed of \$6,961.63, resulting in the accumulated rental arrears since November 2012 being \$1,701.70. Substantial payments have been made by Ms. Taneton towards her rental arrears; the current amount being claimed reflects the assessment of economic rent for the months of November 2013 to January 2014 and Ms. Kenny confirmed that the reporting of Ms. Taneton's household income would trigger a re-assessment of the rent for those months, likely reducing the amount of rental arrears if not reversing them altogether.

Ms. Kenny testified that Ms. Taneton has a history of failing to comply with her obligations to pay her rent and report her household income. Ms. Taneton is in a tenancy agreement for subsidized public housing which specifically requires the reporting of household income in order to determine the amount of any subsidy she is eligible for. Ms. Kenny requested an order that includes conditional termination of the tenancy and eviction should Ms. Taneton fail to report her household income and pay her rental arrears.

Tenancy agreement

Three residential tenancy agreements between the parties for subsidized public housing regarding the rental premises known as Unit #0014 in Deline, Northwest Territories, were entered into evidence by the applicant. The most recent agreement is dated April 1, 2012, between the applicant and Miranda Jenelle Baton and Gary Taniton; the two older agreements are dated April 1, 2011, and September 1, 2010, between the applicant and Miranda Baton. All agreements were for month-to-month tenancies. Ms. Kenny testified that Miranda Baton and Gary Taniton have been in a common-law relationship for some time and recently were married, resulting in the change of name to Miranda Taniton. I am satisfied the tenant identified as Miranda Baton, Miranda Taniton, and Miranda (Baton) Taneton are the same person. I am satisfied that Miranda (Baton) Taneton has been a continuous tenant of the applicant since September 2010 and currently remains a tenant of the applicant.

Rental arrears and reporting of household income

Section 6 of the residential tenancy agreement specifies the tenant is to report her household income whenever and as often as requested by the landlord's subsidy agent. The tenant ledger cards are the landlord's accounting of assessed monthly rent, subsidies calculated based on reported household income, and payments made by the tenant. I am satisfied the tenant ledger cards accurately reflect properly calculated assessed rent and payments made by the tenant. The tenant ledger cards support the allegation that Ms. Taneton has failed to report her household income for the months of November 2013 to January 2014. I find Ms. Taneton has failed to comply with her obligation to report her household income as required and has accumulated rental arrears of \$1,701.70.

Termination of the tenancy agreement and eviction

Ms. Kenny's submission that Ms. Taneton has a history of failing to comply with her obligation to report household income and failing to pay rent on time is substantiated by the existence of two previous rental officer orders: 20-10999 dated September 29, 2009, and 20-13016 dated December 3, 2012; both orders include requirements to pay rental arrears. Further substantiation of Ms. Kenny's claim can be found in the tenant ledger cards, which reflect a pattern of late reporting of household income and late payments towards accumulated rental arrears throughout the tenancy. The significant payments recently made by the tenant to reduce her rental arrears suggest a sincere effort on her part to resolve the issues at hand. However, it is my opinion that a conditional termination and eviction order are justified in this instance.

An order will issue requiring Ms. Taneton to pay rental arrears in the amount of \$1,701.70, to comply with her obligation to report her household income as requested and report her household income for the months of November 2013 to April 2014 no later than April 30, 2014, to pay her future rent on time, terminating the tenancy agreement on April 30, 2014, unless the rental arrears are paid in full and the household income is reported for the months of November 2013 to April 2014, and evicting the tenant from the rental premises on May 1, 2014, if the termination of the tenancy agreement becomes effective. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's history of rental officer orders attachment to application
- Exhibit 2: Rental Officer order #20-10999 dated September 29, 2009, between Deline Housing Association and Miranda Baton and Gary Taniton
- Exhibit 3: Rental Officer order #20-11882 dated March 18, 2011, between Deline Housing Association and Miranda Baton and Gary Taniton
- Exhibit 4: Rental Officer order #20-13015 dated December 3, 2012, between Deline Housing Association and Gary Taniton
- Exhibit 5: Rental Officer Order #20-13016 dated December 3, 2012, between Deline Housing Association and Miranda (Baton) Taniton
- Exhibit 6: Residential tenancy agreement - indeterminate lease dated April 1, 2012, between Deline Housing Association and Miranda Jenelle Baton and Gary Taniton
- Exhibit 7: Residential tenancy agreement - indeterminate lease dated April 1, 2011, between Deline Housing Association and Miranda Baton
- Exhibit 8: Residential tenancy agreement - indeterminate lease dated September 1, 2010, between Deline Housing Association and Miranda Baton
- Exhibit 9: Tenant ledger cards for rent from April 28, 2008, to November 29, 2013
- Exhibit 10: Applicant's application to the rental officer correspondence to the respondent dated November 25, 2013
- Exhibit 11: Applicant's final notice-60 days-outstanding rental arrears correspondence to respondent dated October 30, 2013
- Exhibit 12: Applicant's third notice-45 days-outstanding rental arrears correspondence to respondent dated October 11, 2013
- Exhibit 13: Applicant's second notice-30 days-outstanding rental arrears correspondence to respondent dated September 19, 2013

- Exhibit 14: Applicant's first notice-two weeks-outstanding rental arrears correspondence to respondent dated September 3, 2013
- Exhibit 15: Rent calculation forms for April 2012 to October 2013
- Exhibit 16: Tenant ledger card for rent from November 29, 2013, to January 31, 2014