

IN THE MATTER between **Deline Housing Association**, Applicant, and **Doris (Sewi) Takazo and Sheldon Takazo**, Respondents;

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 -

DORIS (SEWI) TAKAZO and SHELDON TAKAZO

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the landlord rental arrears in the amount of \$2,554.50 (two thousand five hundred fifty four dollars fifty cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.
3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties regarding the rental premises known as Unit #0056 in Deline, Northwest Territories, will be terminated April 30, 2014, and the respondents must vacate the rental premises on or before that date, unless the rental arrears are paid in full.

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 **Doris (Sewi) Takazo and Sheldon Takazo**, 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

DORIS (SEWI) TAKAZO and SHELDON TAKAZO

Respondents/Tenants

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 Doris (Sewi) Takazo and Sheldon Takazo as the respondents/tenants was filed by the Rental Office December 18, 2013. The application was made regarding a residential tenancy agreement for the rental premises known as Unit #0056 in Deline, Northwest Territories. The applicant served a copy of the filed application package on the respondents by personal service January 8, 2014.

The applicant alleged the respondents had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for February 27, 2014. The parties were served notices of attendance by registered mail signed for January 28, 2014, by the applicant and February 18, 2014, by the respondents. Ms. Phebie Kenny and Mr. Les Baton appeared at hearing representing the applicant; Ms. Doris Takazo and Mr. Sheldon Takazo did not appear at hearing, nor did anyone appear on their behalf. Having given sufficient notice to the respondents, the hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

At hearing Ms. Kenny confirmed the misspelling of Ms. Takazo's first name on the application to a rental officer and requested that it be amended from "Dors" to "Doris". The style of cause was so amended.

Ms. Kenny testified that Ms. Takazo and Mr. Takazo are in subsidized public housing for which rent is calculated based on reported household income. As of February 27, 2014, the tenants had accumulated rental arrears of \$2,554.50; the calculation of these arrears are based on monthly household income and no economic rent has been applied. The last payment made against the tenants' rent account was on December 11, 2013, in the amount of \$70. The tenants had been given five written notices regarding their obligation to pay rent since September 3, 2013, including warnings of the consequences for failure to comply with their obligation to pay; these written notices resulted in minimal effective response from the tenants. Ms. Kenny requested an order for payment of rental arrears and termination of the tenancy agreement if the tenants fail to pay their rental arrears in full.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant reflects an agreement between the parties starting April 1, 2012, for subsidized public housing for the rental premises known as Unit #0056 in Deline, Northwest Territories. I am satisfied that a valid tenancy agreement is in place.

Rental arrears

The tenant ledger cards entered into evidence are the landlord's accounting of assessed monthly rent and payments made against the account by the tenants. I am satisfied both the calculations of the assessed rent and the payments made by the tenants as recorded are accurate. I find the tenants have accumulated rental arrears in the amount of \$2,554.50.

Termination of the tenancy agreement

These tenants do not have a history of previous orders from the rental officer. The tenant ledger cards do reflect a history throughout the tenancy of rental arrears and a repeated failure to pay rent on time, if at all. They do not have a history of failing to report their household income as required. The amount of rental arrears accumulated reflect several months of subsidized rent outstanding and the failure of the tenants to respond to repeated requests by the applicant to resolve the matter suggest to me a conditional termination order is justified.

An order will issue for the tenants to pay rental arrears in the amount of \$2,554.50, to pay their rent on time in the future, and terminating the tenancy agreement on April 30, 2014, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement - indeterminate lease dated April 1, 2012
- Exhibit 2: Rent calculation forms for August 2012 to November 2013
- Exhibit 3: Applicant's application to the rental officer correspondence to respondents dated November 25, 2013
- Exhibit 4: Applicant's final notice - 60 days - outstanding rental arrears correspondence to respondents dated October 30, 2013
- Exhibit 5: Applicant's third notice - 45 days - outstanding rental arrears correspondence to respondents dated October 11, 2013
- Exhibit 6: Applicant's second notice - 30 days - outstanding rental arrears correspondence to respondents dated September 19, 2013
- Exhibit 7: Applicant's first notice - two weeks - outstanding rental arrears correspondence to respondents dated September 3, 2013
- Exhibit 8: Tenant ledger cards for rent from April 4, 2012, to November 22, 2013
- Exhibit 9: Tenant ledger cards for rent from April 17, 2013, to February 12, 2014