

IN THE MATTER between **Deline Housing Association**, Applicant, and **Deborah Louison**, 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 community of Deline in the Northwest Territories**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

DEBORAH LOUISON

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 \$3,241.00 (three thousand two hundred forty-one dollars) in monthly installments of \$100.00 (one hundred dollars) due the first of the month starting May 1, 2014.
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 6th day of May 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Deline Housing Association**, Applicant, and **Deborah Louison**, 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-

DEBORAH LOUISON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 24, 2014

Place of the Hearing: Deline, Northwest Territories, via teleconference

Appearances at Hearing: Phebie Kenny, representing the applicant
Deborah Louison, respondent

Date of Decision: April 24, 2014

REASONS FOR DECISION

An application to a rental officer made by Deline Housing Association as the applicant/landlord against Deborah Louison as the respondent/tenant was filed by the Rental Office December 18, 2013. The application was made regarding a residential tenancy agreement for subsidized public housing for the rental premises known as Unit #0112 in Deline, Northwest Territories. The applicant served a copy of the filed application package on the respondent by personal service January 24, 2014.

The applicant alleged the tenant had accumulated rental arrears and sought an order for payment of rental arrears, termination of the tenancy agreement, eviction, and compensation for use and occupation of the rental premises post-termination. Evidence submitted is listed in Appendix A attached to this order.

A hearing was initially scheduled for February 27, 2014. Ms. Phebie Kenny appeared representing the applicant. Ms. Deborah Louison, the respondent, did not appear at hearing, however, Ms. Kenny had been advised by Ms. Louison that she would be unable to attend the hearing due to a personal matter. Ms. Kenny was not opposed to adjourning the hearing to accommodate Ms. Louison's attendance. The hearing was adjourned *sine die*.

The hearing was rescheduled to April 24, 2014. Ms. Phebie Kenny and Ms. Deborah Louison both appeared at hearing.

Ms. Kenny testified that Ms. Louison has been a tenant in subsidized public housing with the applicant since September 2012. In July 2013, Ms. Louison began accumulating rental arrears, which as of April 24, 2014, are \$3,241. All the rent to date has been assessed based on reported household income.

Ms. Louison testified that since the commencement of her tenancy she has had to deal with a separation from her husband and has regained custody of her five children, all of whom are attending school full time. As a result of the extra expenses associated with caring for her children, she acknowledges falling behind on her rent and has made as much effort as she can to try and keep it down. Her eldest child is 21 and is expected to complete school this summer, after which Ms. Louison will ask the child to apply for social assistance to help with the household

expenses. Currently Ms. Louison's only income is spousal support. The last time she applied for income support she was told she did not qualify, but Ms. Louison confirmed at hearing that the last time she applied for income support she did not have her children living with her. It was strongly recommended she apply again to income support for assistance, as well as seek other avenues of support that may be available to her. Ms. Louison indicated she is in a position now to supplement her monthly assessed rent with additional monthly installments of \$100 to \$200 to put towards her rental arrears.

Upon learning of Ms. Louison's home situation, Ms. Kenny withdrew her request for an order to terminate the tenancy agreement and supported the suggestion of an order for payment of the rental arrears in monthly installments.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant is for an indeterminate lease for subsidized public housing starting September 21, 2012. Ms. Louison did not dispute the tenancy agreement. I am satisfied a valid tenancy agreement is in place.

Rental arrears

The tenant ledger cards entered into evidence by the applicant are the landlord's accounting of assessed monthly rent and payments made against the account. The tenant ledger cards reflect irregular payments by Ms. Louison since July 2013. Ms. Louison did not dispute the accuracy of the tenant ledger cards. I am satisfied the tenant ledger cards accurately reflect the rental arrears accrued to date. I find Ms. Louison has accumulated rental arrears of \$3,241 and has repeatedly failed to pay her rent on time.

Under the circumstances, I find the application of a payment plan towards the payment of the rental arrears is reasonable. An order will issue for Ms. Louison to pay rental arrears in the amount of \$3,241 in monthly installments of \$100 due the first of the month starting May 1, 2014, and that Ms. Louison is to pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement - indeterminate lease dated September 21, 2012
- Exhibit 2: Rent calculation forms for July to October 2013
- Exhibit 3: Applicant's application to the rental officer correspondence to respondent dated November 25, 2013
- Exhibit 4: Applicant's final notice - 60 days - outstanding rental arrears correspondence to respondent dated October 30, 2013
- Exhibit 5: Applicant's third notice - 45 days - outstanding rental arrears correspondence to respondent dated October 11, 2013
- Exhibit 6: Applicant's second notice - 30 days - outstanding rental arrears correspondence to respondent dated September 19, 2013
- Exhibit 7: Applicant's first notice - two weeks - outstanding rental arrears correspondence to respondent dated September 3, 2013
- Exhibit 8: Tenant ledger cards for rent from June 4 to November 29, 2013
- Exhibit 9: Tenant ledger cards for rent from June 4, 2013, to February 25, 2014
- Exhibit 10: Tenant ledger cards for rent from February 10, 2014, to April 15, 2014