

IN THE MATTER between **Inuvialuit Development Corporation**, Applicant, and
Jerome Gordon, 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 town of Inuvik in the Northwest Territories**.

BETWEEN:

INUVIALUIT DEVELOPMENT CORPORATION

Applicant/Landlord

- and -

JEROME GORDON

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 \$9,324.00 (nine thousand three hundred twenty-four dollars).

DATED at the City of Yellowknife in the Northwest Territories this 6th day of June
2014.

Adelle Guigon
Deputy Rental Officer

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BETWEEN:

INUVIALUIT DEVELOPMENT CORPORATION

Applicant/Landlord

-and-

JEROME GORDON

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 22, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Tanya Gruben, representing the applicant Jerome Gordon, respondent
<u>Date of Decision:</u>	May 22, 2014

REASONS FOR DECISION

An application to a rental officer made by Inuvialuit Development Corporation as the applicant/landlord against Jerome Gordon as the respondent/tenant was filed by the Rental Office February 17, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as 29 Natala Drive in Inuvik, Northwest Territories. The applicant served a copy of the filed application on the respondent by personal service March 26, 2014.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment, termination of the tenancy agreement, and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for May 22, 2014. Ms. Tanya Gruben appeared representing the applicant. Mr. Jerome Gordon appeared representing himself as the respondent.

Ms. Gruben testified that Mr. Gordon had been a tenant of the applicant since October 18, 2010. Initially Mr. Gordon occupied the rental premises known as #207 Lauron Apartments in Inuvik, Northwest Territories, but was transferred at his request to 29 Natala Drive in Inuvik, Northwest Territories, on November 1, 2012. At the time of the transfer Mr. Gordon had already accumulated rental arrears and these were carried forward to his new premises.

Throughout the tenancy Mr. Gordon was not able to pay the full amount of his rent each month. The landlord acknowledged medical issues which were contributing to Mr. Gordon's inability to pay and attempted to accommodate him for as long as they could. However, Mr. Gordon's rental arrears at the time the application to a rental officer was made had reached \$9,324 and the landlord felt compelled to request payment of the arrears and termination of the tenancy. The tenant did move out of the rental premises shortly after the application was made, therefore the applicant only requires an order for payment of rental arrears, which currently remain at \$9,324.

Mr. Gordon did not dispute his debt to the applicant, confirming his medical issues as contributing partially to the continued growth in arrears but also acknowledging his own procrastination at getting things done. He indicated he has made greater efforts since December 2013 to resolve the arrears, reaching out for help from other sources and gaining higher paying employment to facilitate increased contributions towards the arrears.

Tenancy agreement

The parties agreed in testimony that they had a tenancy agreement which commenced at #207 Lauron Apartments in Inuvik, Northwest Territories, on October 18, 2010. The parties also agreed in testimony that the transfer to 29 Natala Drive in Inuvik, Northwest Territories, was effected at Mr. Gordon's request and represented a continuation of the existing tenancy. A residential tenancy agreement entered into evidence by the applicant reflects a fixed-term tenancy between the parties for 29 Natala Drive from November 1, 2012, to October 31, 2013. The parties agreed the tenancy at 29 Natala Drive automatically renewed as a month-to-month tenancy as of November 1, 2013. I am satisfied a valid tenancy agreement was in place between the parties.

Rental arrears

Two statements of account were entered into evidence by the applicant – one for #207 Lauron Apartments showing rental arrears as of July 29, 2013, in the amount of \$2,285 and one for 29 Natala Drive showing rental arrears as of February 7, 2014, in the amount of \$7,039. The statements of account are the landlord's accounting of monthly rent and payments made towards the account. Mr. Gordon did not dispute the accuracy of these statements. I am satisfied they accurately reflect payments made by Mr. Gordon as of February 7, 2014.

The statement for #207 Lauron Apartments shows four payments made in 2013 against that account after his transfer to 29 Natala Drive on November 1, 2012. When one considers both parties have agreed that the tenancy continued uninterrupted after the transfer between premises, it seems reasonable to me to apply \$2,285 of the payments reflected on the statement for 29 Natala against the #207 Lauron Apartments arrears, thereby establishing that the rental arrears for #207 Lauron Apartments have been paid. This then increases the 29 Natala Drive account arrears by \$2,285 to total \$9,324. I find Mr. Gordon has accumulated rental arrears in the amount of \$9,324.

An order will issue for Mr. Gordon to pay rental arrears in the amount of \$9,324.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of account from November 1, 2012, to February 7, 2014, for 29 Natala
- Exhibit 2: Statement of account from March 1, 2012, to July 29, 2013, for 207 Lauron Apartments
- Exhibit 3: E-mail conversation between Tanya Gruben, Rosa Kisoun, and Jerome Gordon dated February 3, 2014
- Exhibit 4: E-mail conversation between Tanya Gruben and Jerome Gordon dated January 10, 2014
- Exhibit 5: E-mail conversation between Mark Fleming, Tanya Gruben, and Jerome Gordon dated October 21, 2013, to November 1, 2013
- Exhibit 6: E-mail conversation between Tanya Gruben and Jerome Gordon dated October 7-8, 2013
- Exhibit 7: E-mail from Tanya Gruben to Jerome Gordon dated August 21, 2013, with attached statement of account
- Exhibit 8: E-mail conversation between Tanya Gruben and Jerome Gordon dated March 27, 2013
- Exhibit 9: E-mail conversation between Tanya Gruben and Jerome Gordon dated November 19-28, 2012
- Exhibit 10: E-mail conversation between Tanya Gruben and Jerome Gordon dated May 29, 2012
- Exhibit 11: Applicant's correspondence to respondent dated February 19, 2013 - agreement to pay
- Exhibit 12: NWT Housing Corporation transitional rent supplement program agreement between NWT Housing Corporation, Jerome Gordon, and Inuvialuit Development Corporation, signed June 14 and June 24, 2013
- Exhibit 13: Residential tenancy agreement signed February 14, 2013