

IN THE MATTER between **Northwest Territories Housing Corp.**, Applicant, and **Roy Courtoreille and Kathleen Courtoreille**, 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 town of Hay River in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORP.

Applicant/Landlord

- and -

ROY COURTOREILLE and KATHLEEN COURTOREILLE

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 applicant rental arrears in the amount of \$14,469.55 (fourteen thousand four hundred sixty-nine dollars fifty-five cents).

DATED at the City of Yellowknife in the Northwest Territories this 28th day of July 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Northwest Territories Housing Corp.**, Applicant, and **Roy Courtoreille and Kathleen Courtoreille**, 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:

NORTHWEST TERRITORIES HOUSING CORP.

Applicant/Landlord

-and-

ROY COURTOREILLE and KATHLEEN COURTOREILLE

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 18, 2014
<u>Place of the Hearing:</u>	Hay River, Northwest Territories
<u>Appearances at Hearing:</u>	Yvonne Burke, representing the applicant Roy Courtoreille, respondent
<u>Date of Decision:</u>	July 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Northwest Territories Housing Corp. as the applicant/landlord against Roy Courtoreille and Kathleen Courtoreille as the respondents/tenants was filed by the Rental Office June 9, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as 2 Cranberry Crescent in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondents June 19, 2014.

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

A hearing was scheduled for July 18, 2014. Ms. Yvonne Burke appeared representing the applicant. Mr. Roy Courtoreille appeared as respondent and representing respondent Ms. Kathleen Courtoreille.

Ms. Burke testified that the respondents were in a residential tenancy agreement under the applicant's Supported Lease Program for the rental premises known as 2 Cranberry Crescent in Hay River, Northwest Territories. As of March 31, 2014, the respondents had accumulated rental arrears in the amount of \$14,469.55. As the parties had entered into a new tenancy agreement on April 1, 2014, the applicant requested an order only for rental arrears accumulated under the previous tenancy agreement.

Mr. Courtoreille agreed with Ms. Burke's testimony, confirming the amount of rental arrears of \$14,469.55 owing under the tenancy agreement which ended March 31, 2014. Mr. Courtoreille also testified that the respondents had been complying with a payment plan agreement they entered into with the applicant to pay an additional amount bi-weekly towards the arrears. Ms. Burke confirmed the respondents had been diligent regarding meeting their obligation to pay the rent plus payment plan amounts as agreed since at least April 2012.

Tenancy agreement

The residential tenancy agreement entered into by the parties and entered into evidence by the applicant is for a fixed-term from July 1, 2005, to June 30, 2007. The parties did not dispute the tenancy agreement and agreed that a new tenancy agreement had been entered into on April 1, 2014. I am satisfied a valid tenancy agreement existed between the parties in accordance with the Act.

Rental arrears

The lease balance statement entered into evidence by the applicant reflects the landlord's accounting of monthly rent and payments received on the respondents' rent account between June 20, 2005, and March 28, 2014. The parties agreed the balance owing as reflected on the lease balance statement of \$14,969.55 was accurate but included an outstanding security deposit amount of \$500. As the tenancy agreement which the lease balance statement and arrears represent ended March 31, 2014, the outstanding security deposit under that tenancy agreement is not longer a collectable debt and therefore the rental arrears must be adjusted by \$500. I find the respondent has accumulated rental arrears as of March 31, 2014, in the amount of \$14,469.55

An order will issue requiring Mr. Roy Courtoreille and Ms. Kathleen Courtoreille to pay rental arrears in the amount of \$14,469.55.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease balance statement for June 20, 2005, to March 28, 2014
- Exhibit 2: Residential tenancy agreement
- Exhibit 3: Applicant's supported lease agreement - arrears correspondence to respondent dated September 26, 2013
- Exhibit 4: Applicant's supported lease agreement - arrears notification correspondence to respondent dated June 10, 2013
- Exhibit 5: Email from Yvonne Burke to rvph@unw.ca dated August 6, 2009, regarding non payment of rent - NSF's
- Exhibit 6: Applicant's residential tenancy agreement - support lease program correspondence to respondent dated August 5, 2009
- Exhibit 7: Supported lease program arrears detail report as of June 30, 2009
- Exhibit 8: Applicant's residential tenancy agreement - support lease program correspondence to respondent dated February 16, 2009
- Exhibit 9: Applicant's rental arrears notice correspondence to respondent dated July 27, 2008
- Exhibit 10: Supported lease program arrears detail report as of April 30, 2008
- Exhibit 11: Applicant's revised rent - supported lease program unit - 2 Cranberry Crescent correspondence to respondent dated June 20, 2006
- Exhibit 12: Applicant's supported lease program agreement residential tenancy agreement unit - 2 Cranberry Crescent correspondence to respondent dated July 25, 2005
- Exhibit 13: Supported lease program agreement signed June 20, 2005
- Exhibit 14: Statement of account as of March 31, 2012