

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Michelle Lafleur**, 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 Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

MICHELLE LAFLEUR

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$1,589.12 (one thousand five hundred eighty-nine dollars twelve cents) in minimum monthly installments of \$100.00 (one hundred dollars) to be paid starting in August 2014 and each month thereafter until the rental arrears are paid in full.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her 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 9 McRorie Road in Hay River, Northwest Territories, will terminate October 31, 2014, and the respondent must vacate the rental premises on or before that date, unless the monthly rent and minimum monthly installment payments for rental arrears have been paid on time for the months of August, September, and October 2014.

DATED at the City of Yellowknife in the Northwest Territories this 23rd day of July 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Michelle Lafleur**, 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:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

MICHELLE LAFLEUR

Respondent/Tenant

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>	Willa-Jean Conroy, representing the applicant Michelle Lafleur, respondent
<u>Date of Decision:</u>	July 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Michelle Lafleur as the respondent/tenant was filed by the Rental Office June 16, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 9 McRorie Road in Hay River, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail deemed served June 27, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

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

A hearing was scheduled for July 18, 2014. Ms. Willa-Jean Conroy appeared representing the applicant. Ms. Michelle Lafleur appeared as respondent.

Ms. Conroy testified that Ms. Lafleur has been a tenant in subsidized public housing at the rental premises known as 9 McRorie Road in Hay River, Northwest Territories, since April 1, 2009. Ms. Lafleur has been repeatedly late paying the full amount of her rent on time throughout the tenancy agreement. As of July 18, 2014, Ms. Lafleur's rental arrears had accumulated to \$1,589.12, representing approximately half the assessed rent for April and full assessed rents for May, June, and July 2014.

Ms. Lafleur acknowledged the amount of rental arrears claimed and expressed an interest in entering into a payment plan to resolve them. She indicated she could afford to make monthly payments of \$100 per month.

Ms. Conroy was agreeable to incorporating a payment plan into an order for payment of the rental arrears, but also requested an order that Ms. Lafleur's rent be paid on time in the future and that the tenancy be conditionally terminated should Ms. Lafleur fail to meet her obligations to pay her rent or the payment plan on time. Ms. Lafleur understood and did not dispute the applicant's requests.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant is dated April 1, 2009, for subsidized public housing at the rental premises known as 9 McRorie Road in Hay River, Northwest Territories. Ms. Lafleur did not dispute the tenancy agreement. I am satisfied a valid tenancy agreement between the parties is in place in accordance with the Act.

Rental arrears

The client aged detail represents the landlord's accounting of assessed monthly rent and payments received on the rent account. Ms. Lafleur did not dispute the accuracy of the client aged detail. I am satisfied the client aged detail accurately represents payments received on the respondent's rent account. I find the respondent has accumulated rental arrears of \$1,589.12.

The respondent's offer and the applicant's acceptance of the application of a payment plan for the resolution of the rental arrears is reasonable and appropriate under the circumstances. Minimum monthly payments towards the rental arrears will be ordered.

Termination of tenancy agreement

It is clear from the evidence and testimony given that the respondent has been repeatedly late paying rent throughout the tenancy, continuously carrying rental arrears. In consideration of the applicant's willingness to give the respondent time to resolve the issue of her rental arrears, I am satisfied a conditional termination order is justified.

An order will issue requiring Ms. Michelle Lafleur to pay rental arrears in the amount of \$1,589.12 in minimum monthly installments of \$100 starting in August 2014 until the arrears are paid in full, to pay her future rent on time, and terminating the tenancy October 31, 2014, unless the respondent has paid her rent and minimum monthly payments on time for August, September, and October 2014.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of facts dated May 14, 2014
- Exhibit 2: Residential tenancy agreement indeterminate lease dated April 1, 2009
- Exhibit 3: Applicant's statement dated June 9, 2014
- Exhibit 4: Agreement to pay rental arrears dated April 11, 2014
- Exhibit 5: Applicant's overdue account correspondence to respondent dated May 21, 2014
- Exhibit 6: Applicant's overdue account correspondence to respondent dated May 8, 2014
- Exhibit 7: Applicant's overdue account correspondence to respondent dated April 22, 2014
- Exhibit 8: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated April 9, 2014
- Exhibit 9: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated March 24, 2014
- Exhibit 10: Applicant's overdue account correspondence to respondent dated March 17, 2014
- Exhibit 11: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated March 7, 2014
- Exhibit 12: Agreement to pay rental arrears dated October 29, 2013
- Exhibit 13: Applicant's overdue account correspondence to respondent dated February 24, 2014
- Exhibit 14: Applicant's overdue account correspondence to respondent dated February 10, 2014
- Exhibit 15: Applicant's overdue account correspondence to respondent dated January 6, 2013
- Exhibit 16: Applicant's statement dated December 11, 2013
- Exhibit 17: Applicant's overdue account correspondence to respondent dated November 25, 2013
- Exhibit 18: Applicant's overdue account correspondence to respondent dated November 12, 2013
- Exhibit 19: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated October 21, 2013
- Exhibit 20: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated October 8, 2013
- Exhibit 21: Applicant's overdue account correspondence to respondent dated January 20, 2013
- Exhibit 22: Applicant's outstanding rental arrears correspondence to respondent dated September 24, 2013
- Exhibit 23: Agreement to pay rental arrears dated June 22, 2012 - cancelled
- Exhibit 24: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated August 23, 2013

- Exhibit 25: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated August 13, 2013
- Exhibit 26: Applicant's overdue rent correspondence to respondent dated June 20, 2013
- Exhibit 27: Applicant's account arrears correspondence to respondent dated May 15, 2013
- Exhibit 28: Applicant's overdue rent correspondence to respondent dated March 13, 2013
- Exhibit 29: Applicant's account arrears correspondence to respondent dated September 17, 2012
- Exhibit 30: Applicant's statement dated September 17, 2012
- Exhibit 31: Applicant's overdue account correspondence to respondent dated August 21, 2012
- Exhibit 32: Applicant's statement dated August 21, 2012
- Exhibit 33: Applicant's overdue rent correspondence to respondent dated February 13, 2013
- Exhibit 34: Applicant's overdue account correspondence to respondent dated January 16, 2013
- Exhibit 35: Applicant's overdue rent correspondence to respondent dated December 3, 2012
- Exhibit 36: Applicant's statement dated December 3, 2012
- Exhibit 37: Applicant's rental arrears correspondence to respondent dated November 15, 2012
- Exhibit 38: Applicant's statement dated November 15, 2012
- Exhibit 39: Applicant's account arrears correspondence to respondent dated December 21, 2011
- Exhibit 40: Applicant's statement dated December 21, 2011
- Exhibit 41: Applicant's overdue account correspondence to respondent dated November 22, 2011
- Exhibit 42: Applicant's correspondence to respondent dated October 20, 2011
- Exhibit 43: Agreement to pay rental arrears dated June 22, 2012
- Exhibit 44: Applicant's rental arrears correspondence to respondent dated May 22, 2012
- Exhibit 45: Applicant's statement dated May 22, 2012
- Exhibit 46: Applicant's account arrears correspondence to respondent dated April 24, 2012
- Exhibit 47: Applicant's statement dated April 19, 2012
- Exhibit 48: Applicant's overdue account correspondence to respondent dated March 21, 2012
- Exhibit 49: Applicant's statement dated March 21, 2012
- Exhibit 50: Applicant's statement dated February 21, 2012
- Exhibit 51: Applicant's statement dated January 17, 2012
- Exhibit 52: Applicant's overdue account correspondence to respondent dated July 23, 2012
- Exhibit 53: Applicant's statement dated July 23, 2012
- Exhibit 54: Applicant's statement dated September 22, 2011
- Exhibit 55: Applicant's overdue account correspondence to respondent dated August 23, 2011

- Exhibit 56: Applicant's statement dated August 22, 2011
- Exhibit 57: Applicant's statement dated July 20, 2011
- Exhibit 58: Applicant's overdue account correspondence to respondent dated May 24, 2011
- Exhibit 59: Applicant's statement dated May 20, 2011
- Exhibit 60: Applicant's statement dated April 27, 2011
- Exhibit 61: Applicant's statement dated March 29, 2011
- Exhibit 62: Applicant's statement dated February 21, 2011
- Exhibit 63: Applicant's statement dated January 18, 2011
- Exhibit 64: Applicant's statement dated December 17, 2010
- Exhibit 65: Applicant's overdue account correspondence to respondent dated November 22, 2010
- Exhibit 66: Applicant's statement dated November 22, 2010
- Exhibit 67: Applicant's statement dated September 21, 2010
- Exhibit 68: Applicant's overdue account correspondence to respondent dated August 20, 2010
- Exhibit 69: Applicant's statement dated August 20, 2010
- Exhibit 70: Applicant's statement dated July 19, 2010
- Exhibit 71: Arrears payment agreement (promissory note) made July 14, 2010
- Exhibit 72: Applicant's note to file dated July 8, 2010
- Exhibit 73: Applicant's rental arrears correspondence to respondent dated June 18, 2010
- Exhibit 74: Applicant's statement dated June 18, 2010
- Exhibit 75: Applicant's correspondence to respondent dated June 15, 2010
- Exhibit 76: Applicant's account arrears correspondence to respondent dated May 19, 2010
- Exhibit 77: Applicant's statement dated May 18, 2010
- Exhibit 78: Applicant's account arrears correspondence to respondent dated March 19, 2010
- Exhibit 79: Applicant's statement dated March 19, 2010
- Exhibit 80: Applicant's overdue account correspondence to respondent dated February 22, 2010
- Exhibit 81: Applicant's statement dated February 22, 2010
- Exhibit 82: Applicant's statement dated January 26, 2010
- Exhibit 83: Applicant's statement dated November 19, 2009
- Exhibit 84: Applicant's rental arrears correspondence to respondent dated September 22, 2009
- Exhibit 85: Applicant's statement dated September 21, 2009
- Exhibit 86: Applicant's correspondence to respondent dated August 24, 2009
- Exhibit 87: Applicant's statement dated August 24, 2009

Exhibit 88: Applicant's correspondence to respondent dated July 22, 2009

Exhibit 89: Applicant's statement dated July 22, 2009

Exhibit 90: Applicant's correspondence to respondent dated June 19, 2009

Exhibit 91: Applicant's statement dated June 18, 2009

Exhibit 92: Applicant's statement dated April 17, 2009

Exhibit 93: Applicant's statement dated June 13, 2014

Exhibit 94: Client aged detail as of June 13, 2014

Exhibit 95: Applicant's notice of termination of tenancy dated June 13, 2014

Exhibit 96: Applicant's statement dated July 16, 2014

Exhibit 97: Client aged detail as of July 16, 2014

Exhibit 98: Applicant's statement dated July 8, 2014

Exhibit 99: Applicant's statement dated June 24, 2014