

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Chantelle Poitras**, 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 city of Yellowknife in the Northwest Territories**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

CHANTELLE POITRAS

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 \$1,080.00 (one thousand eighty dollars).
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 section 45(4)(a) of the *Residential Tenancies Act*, the respondent must comply with her obligation to pay for all utilities provided to the rental premises known as 2011 Sissons Court in Yellowknife, Northwest Territories.

4. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate August 31, 2014, and the respondent 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 21st day of July 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Chantelle Poitras**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

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-and-

CHANTELLE POITRAS

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 16, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Chantelle Poitras, respondent
<u>Date of Decision:</u>	July 16, 2014

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority as the applicant/landlord against Chantelle Poitras as the respondent/tenant was filed by the Rental Office June 25, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 2011 Sissons Court in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent June 26, 2014.

The applicant alleged the respondent had accumulated rental arrears and had failed to pay utilities bills in accordance with her tenancy agreement. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for July 16, 2014. Ms. Ella Newhook appeared representing the applicant. Ms. Chantelle Poitras appeared representing herself as the respondent.

Ms. Newhook testified that Ms. Poitras has been a tenant in subsidized public housing since March 2011. Since taking possession Ms. Poitras had accumulated rental arrears, most significantly in the last four months. As of the hearing time, Ms. Poitras rental arrears had accumulated to \$2,625.

Ms. Newhook further testified that the applicant was notified by Northland Utilities (the local electricity provider) that the electricity to Ms. Poitras residence was cut off June 3, 2014, due to her failure to pay her electricity bill. Ms. Poitras is obligated under her tenancy agreement to pay the utility bills for her rental premises. The electricity bill was paid and the electricity was turned back on approximately three weeks later. However, by failing to comply with her obligation to pay her utility bill, Ms. Newhook pointed out, which resulted in the electricity being cut off Ms. Poitras created a breach to health and safety standards for the tenants, the rental premises, and the residential complex. The rental premises is a row housing unit, whereby the units are connected side by side. Ms. Newhook testified that the smoke detectors in the rental premises are hardwired in and powered by electricity rather than batteries; cutting off the electricity cuts off the smoke detectors as well as having no safe way to provide light or cook food. Should an incident occur igniting a fire there would be no method of warning the occupants or neighbours.

Ms. Poitras did not dispute the allegations made. She advised she was dismissed from her employment the end of March and has difficulty finding replacement employment. She was not aware she would be eligible for employment insurance until late June and has since successfully applied for it; she received her first payment approximately July 2, 2014, and expected another payment the day of the hearing. Ms. Poitras accepted responsibility for her failure to pay her utilities and her rent, citing her reduced income and lack of knowledge of support resources available to her until recently. She has made an application to the Homelessness Assistance Fund but did not know as of this hearing what the status of her application was. She indicated as soon as she received her employment insurance payment she would attend the applicant's office and make a payment.

Ms. Newhook confirmed late in the day July 16, 2014, that Ms. Poitras did attend their office and provided updated household income information which resulted in an adjustment to the subsidy she was eligible for and a reduction in her accumulated rental arrears to \$1,080.

Tenancy agreement

A residential tenancy agreement for subsidized public housing between the parties dated March 11, 2011, was provided into evidence by the applicant. Ms. Poitras did not dispute the validity of the tenancy agreement. I am satisfied a tenancy agreement for subsidized public housing currently exists between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The statements of account submitted into evidence by the applicant represent the landlord's accounting of monthly assessed rent and payments received. Ms. Poitras did not dispute the accuracy of these statements. I am satisfied the statements of account accurately represent Ms. Poitras rent account status. I find Ms. Poitras has accumulated rental arrears in the amount of \$1,080.

Additional obligations

Section 45(1) of the Act specifies the tenant's obligation to comply with additional obligations included in written tenancy agreements. Section 8 of the residential tenancy agreement specifies the tenant's obligation to pay utility bills for the rental premises. Ms. Newhook testified to and provided evidence that Ms. Poitras failed to comply with her obligation to pay the electricity bills, resulting in cutting off of the electricity to the rental premises on June 3, 2014. Ms. Poitras did not dispute this event occurred and confirmed that she has since paid the electricity bill and the electricity has been turned back on to the rental premises. I find Ms. Poitras has failed to comply with her obligation to pay the utility bills for the rental premises.

Termination of the tenancy agreement

Ms. Newhook's request for termination of the tenancy at this point is made in light of the current rental arrears and Ms. Poitras failure to pay the utility bills which resulted in a safety risk for herself and other tenants. There has been no previous history during the tenancy evidenced suggesting Ms. Poitras habitually failed to pay her utility bills, and Ms. Poitras current difficulties have an explanation. To my mind Ms. Poitras should be given an opportunity to resolve her arrears and learn from her recent mistakes. I am satisfied a conditional termination order is justified.

An order will issue requiring Ms. Chantelle Poitras to pay rental arrears in the amount of \$1,080, to pay her future rent on time, to comply with her obligation to pay her utility bills, and terminating the tenancy agreement August 31, 2014, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's 2011 Sissons Court lease termination correspondence to respondent dated June 9, 2014

Exhibit 2: E-mail conversation between Ella Newhook and June Osmond (Northland Utilities) dated between June 6 and June 9, 2014

Exhibit 3: Statement of account from December 31, 2013, to June 16, 2014

Exhibit 4: Residential tenancy agreement dated March 11, 2011

Exhibit 5: Statement of account from December 31, 2013, to July 1, 2014

Exhibit 6: Statement of account from February 28 to July 16, 2014