

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and **Nadine Pingo**, 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 hamlet of Tuktoyaktuk in the Northwest Territories**.

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

NADINE PINGO

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 \$6,199.71 (six thousand one hundred ninety-nine dollars seventy-one cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his 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 Unit 60 in Tuktoyaktuk, Northwest Territories, is terminated 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 **Tuktoyaktuk Housing Association**, Applicant, and **Nadine Pingo**, 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:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

-and-

NADINE PINGO

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 14, 2014
<u>Place of the Hearing:</u>	Tuktoyaktuk, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Lucille Pokiak, representing the applicant
<u>Date of Decision:</u>	July 14, 2014

REASONS FOR DECISION

An application to a rental officer made by Tuktoyaktuk Housing Association as the applicant/landlord against Nadine Pingo as the respondent/tenant was filed by the Rental Office May 8, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 60 in Tuktoyaktuk, Northwest Territories. The applicant personally served a copy of the filed application on the respondent May 21, 2014.

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 14, 2014. Ms. Lucille Pokiak appeared representing the applicant. Ms. Nadine Pingo was served a notice of attendance by registered mail deemed served July 1, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. Pingo failed to appear for the hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Ms. Pokiak testified that Ms. Pingo has been a tenant in subsidized public housing since April 14, 2008. Ms. Pingo began accumulating rental arrears in July 2008. The monthly rent for subsidized public housing is assessed based on reported household income. Ms. Pingo's assessed monthly rent has varied throughout the years as her monthly income has fluctuated depending on her own employment and that of other adults residing in the premises with her. Although Ms. Pingo has satisfied a previous rental officer order (20-10928) by paying rental arrears accumulated to August 21, 2009, she has continued to accumulate rental arrears. As of July 14, 2014, Ms. Pingo's rental arrears have accumulated to \$6,199.71.

Ms. Pokiak advised that Ms. Pingo has been consistent in reporting her total household income and her only failure – albeit the more significant one – has been in paying her rent. Ms. Pingo is aware that the adults of the household are both working and believes they should be financially able to pay the rental arrears. Ms. Pokiak requested an order for payment of rental arrears, that future rent be paid on time, and that the tenancy agreement be terminated unless the rental arrears were paid in full.

Tenancy agreement

The residential tenancy agreement dated April 4, 2008, was entered into evidence by the applicant. It is for subsidized public housing between the parties. I am satisfied a valid tenancy agreement exists between the parties in accordance with the Act.

Rental arrears

The rent calculation forms entered into evidence by the applicant reflect the calculation of subsidized rent for the respondent for the months of February to April 2014. These forms confirm the calculation of subsidized monthly rent based on total household income, and further reflect varied amounts of total household income which result in inconsistent monthly rent amounts. The tenant ledger cards submitted by the applicant represent the landlord's accounting of assessed rent and payments received between April 4, 2008, and July 11, 2014. I am satisfied the tenant ledger cards accurately represent payments received. I find Ms. Pingo has accumulated rental arrears in the amount of \$6,199.71.

Termination of the tenancy agreement

The applicant's request for conditional termination of the tenancy agreement is not unreasonable when one considers the rental arrears carried by the respondent have been constant since July 2008. Further, Rental Officer order 20-10928, dated September 2, 2009, ordered Ms. Pingo to pay her rent on time in the future, which it is evident she has failed to do. I find termination of the tenancy agreement is justified unless the respondent pays her rental arrears in full.

An order will issue requiring Ms. Nadine Pingo to pay rental arrears in the amount of \$6,199.71, requiring her to pay her rent on time in the future, and terminating her tenancy agreement on August 31, 2014, unless her rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement fixed term lease dated April 4, 2008
- Exhibit 2: Rent calculation forms for February to April 2014
- Exhibit 3: Tenant ledger cards for rent from April 4, 2008, to April 14, 2014
- Exhibit 4: Applicant's payment over & above regular rent assessed correspondence to respondent dated March 18, 2014
- Exhibit 5: Applicant's payment over & above regular rent assessed correspondence to respondent dated February 20, 2014
- Exhibit 6: Applicant's application to terminate - Residential Tenancy Act s. 54(1)(g) correspondence to respondent dated January 15, 2014
- Exhibit 7: Applicant's payment over & above regular rent assessed correspondence to respondent dated December 11, 2013
- Exhibit 8: Tenant ledger card for rent from April 1 to July 11, 2014