

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dale Timbre and Mavis Bertrand**, 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 Hamlet of Fort Liard in the Northwest Territories**.

BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

- and -

**DALE TIMBRE and MAVIS BERTRAND**

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 \$3,510.29 (three thousand five hundred ten dollars twenty-nine cents).

DATED at the City of Yellowknife in the Northwest Territories this 18th day of August 2014.

---

Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Dale Timbre and Mavis Bertrand**, 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:

**NWT HOUSING CORPORATION**

Applicant/Landlord

-and-

**DALE TIMBRE and MAVIS BERTRAND**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>August 18, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Betty Hardisty, representing the applicant Loraine Menicoche-Moses, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>August 18, 2014</b>

### **REASONS FOR DECISION**

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Dale Timbre and Mavis Bertrand as the respondents/tenants was filed by the Rental Office May 8, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as Lot 292, Plan 3919, in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for May 20, 2014.

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

A hearing was scheduled for August 18, 2014. Ms. Betty Hardisty and Ms. Loraine Menicoche-Moses appeared representing the applicant. Mr. Dale Timbre and Ms. Mavis Bertrand were served notices of attendance by registered mail signed for August 8, 2014. Neither Mr. Timbre nor Ms. Bertrand appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

The application to a rental officer form referred to the rental premises as Lot 57, Plan 1186, in Fort Liard, Northwest Territories. The documents included with the application and Ms. Hardisty's testimony confirmed the correct rental premises address as Lot 292, Plan 3919, in Fort Liard. Rental officer order #10-13653 dated December 11, 2013, also corroborated the correct rental premises as Lot 292, Plan 3919, in Fort Liard. I am satisfied the respondents were cognizant of the rental premises to which this matter is referring; the respondents did not appear to contest the essential elements of this matter. The applicant's request to amend the application to a rental officer to reflect the rental premises as Lot 292, Plan 3919, in Fort Liard, Northwest Territories, was granted at hearing.

Ms. Hardisty testified that the respondents had a residential tenancy agreement under the applicant's Homeownership Entry Level Program for subsidized public housing. The respondents vacated the rental premises February 28, 2014, in accordance part 3 of rental officer order #10-13653. The respondents also complied with part 1 of that order by making payments prior to their departure. However, after order #10-13653 was issued, the respondents provided updated reports of household income which resulted in a re-assessment of the subsidized rent for August 2013 to February 2014, increasing the rent for those months from \$152 to \$796. The respondents did continue to make payments towards the rent account until April 21, 2014. The applicant also applied the security deposit of \$501.71 against the rental arrears in accordance with the Act. The

remaining rental arrears are \$3,510.29. The applicant requested an order for payment of the rental arrears.

*Tenancy agreement*

The subsidized public housing residential tenancy agreement entered into evidence is between the parties for the rental premises known as Lot 292, Plan 3919, in Fort Liard, Northwest Territories. The agreement is for a fixed-term from April 1, 2012, to April 30, 2014. I am satisfied a valid tenancy agreement was in place between the parties.

*Rental arrears*

Rental officer order #10-13653 was filed December 11, 2013, and ordered the payment of rental arrears in the amount of \$580, that future rent be paid on time, and that the tenancy was terminated February 28, 2014. Ms. Hardisty testified that the respondents had complied with this order by vacating the rental premises on or before February 28, 2014. I am satisfied the respondents complied with parts 1 and 3 of this order.

The lease balance statement entered into evidence represents the landlord's accounting of assessed rent and payments received against the respondents' rent account, and it includes the security deposit credit of \$501.71. I am satisfied this statement accurately reflects the assessed subsidized rent and the payments received against the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$3,510.29.

An order will issue requiring the respondents to pay rental arrears in the amount of \$3,510.29.

---

Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential lease agreement

Exhibit 2: Lease balance statement for April 1, 2012, to April 21, 2014

Exhibit 3: Tenant check-in/out unit condition report