

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Sabrina Gargan**, 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, regarding a rental premises located within the **village of Fort Simpson in the Northwest Territories**.

BETWEEN:

**FORT SIMPSON HOUSING AUTHORITY**

Applicant/Landlord

- and -

**SABRINA GARGAN**

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 \$1,925.00 (one thousand nine hundred twenty-five dollars) in minimum monthly installments of \$500.00 (five hundred dollars) starting in September 2014.
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 report her household income to the applicant in accordance with section 6 of the residential tenancy agreement.

DATED at the City of Yellowknife in the Northwest Territories this 22nd day of August 2014.

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Adelle Guigon  
Deputy Rental Officer

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**SABRINA GARGAN**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>August 19, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Fort Simpson, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Kathy Konisenta, representing the applicant Sabrina Gargan, respondent</b>
<b><u>Date of Decision:</u></b>	<b>August 19, 2014</b>

**REASONS FOR DECISION**

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Sabrina Gargan as the respondent/tenant was filed by the Rental Office June 2, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 25, Lot 65, Plan 153, in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by personal service.

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 August 19, 2014. Ms. Kathy Konisenta appeared representing the applicant; Ms. Sabrina Gargan appeared as the respondent.

Ms. Konisenta testified that Ms. Gargan is a tenant in subsidized public housing who has accumulated rental arrears as of August 19, 2014, in the amount of \$3,070. This amount includes the application of full economic rent of \$1,625 for the month of June, which was applied due to Ms. Gargan's failure to provide household income information for the month of May; the rent for July and August are not included in the amount of rental arrears claimed. Ms. Konisenta indicated Ms. Gargan had not submitted her household income information for the months of May, June, and July. The last payment received from Ms. Gargan was made July 2, 2014, in the amount of \$500. Ms. Konisenta requested an order for payment of rental arrears and that future rent be paid on time.

Ms. Gargan did not dispute that she has accumulated rental arrears and that she has not provided her complete household income information for the months of May, June, and July. She indicated she is in a position to make minimum monthly payments of \$500 in addition to her monthly assessed rent to pay down her rental arrears. Ms. Konisenta was in favour of including a payment plan in an order for payment of rental arrears.

*Tenancy agreement*

The residential tenancy agreement entered into evidence by the applicant is between the parties for subsidized public housing for a fixed-term from July 16, 2012, to March 31, 2013; section 49(1) of the Act deems a fixed-term tenancy agreement renewed as a monthly tenancy on the last day of the fixed term. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

*Rental arrears and obligation to report income*

The customer aged detail submitted into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received on the respondent's rent account. The respondent did not dispute the contents of the statement. I am satisfied the customer aged detail accurately reflects payments received against the respondent's rent account.

The respondent is required under section 6 of the residential tenancy agreement to report household income as requested by the landlord's agent. Ms. Konisenta confirmed that the household income was expected to be reported monthly. Ms. Gargan confirmed that she has failed to report her household income as requested for the months of May, June, and July. For subsidized public housing tenants, the monthly rent is assessed a subsidy based on the reported household income. Ms. Gargan confirmed that her monthly household income has not changed significantly since April – the last time it was reported; the rent for May was assessed based on the reported income for April at an amount of \$160. Ms. Konisenta agreed that it would not be unreasonable to apply an estimated subsidized rent of \$160 each for the months of June, July, and August with the understanding and acknowledgement of Ms. Gargan that the actual assessed rent for those months may be different depending on the reported income for those months. Ms. Gargan confirmed her understanding of this obligation.

I find the respondent has failed to pay her rent on time, has failed to report her household income in accordance with the residential tenancy agreement, and has accumulated rental arrears calculated as follows:

Rental arrears as of July 2, 2014	\$ 1,445.00
Estimated assessed rent for three months (June, July, August 2014) at \$160 per month	\$ 480.00
<b>TOTAL RENTAL ARREARS</b>	<b>\$ 1,925.00</b>

An order will issue requiring Ms. Sabrina Gargan to pay rental arrears in the amount of \$1,925 in minimum monthly installments of \$500 starting in September 2014, to pay her rent on time in the future, and to comply with her obligation to report her total household income in accordance with the residential tenancy agreement.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Customer aged detail as at May 13, 2014

Exhibit 2: Residential tenancy agreement - fixed term lease dated July 16, 2012

Exhibit 3: Customer aged detail as at August 19, 2014