

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Natasha Sanguiez**, 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 -

NATASHA SANGUEZ

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$7,407.00 (seven thousand four hundred seven dollars) in minimum monthly installments of \$300.00 (three 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 household income in accordance with the terms of section 6 of the residential tenancy agreement.

DATED at the City of Yellowknife in the Northwest Territories this 21st day of August 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Natasha Sanguetz**, 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:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

-and-

NATASHA SANGUEZ

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 19, 2014

Place of the Hearing: Fort Simpson, Northwest Territories, by teleconference

Appearances at Hearing: Kathy Konisenta, representing the applicant
Natasha Sanguetz, respondent

Date of Decision: August 19, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Natasha Sanguéz 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 7, Lot 420, Plan 1848, in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for June 16, 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 August 19, 2014. Ms. Kathy Konisenta appeared representing the applicant; Ms. Natasha Sanguéz appeared as respondent.

Ms. Konisenta testified that Ms. Sanguéz is a tenant in subsidized public housing at the rental premises known as Unit 7, Lot 420, Plan 1848, in Fort Simpson. Ms. Sanguéz has been repeatedly late paying her rent throughout her tenancy, and as of June 30, 2014, has accumulated rental arrears in the amount of \$11,070.73. The last payment received against Ms. Sanguéz's rent account was on February 25, 2014, in the amount of \$200. When asked, Ms. Konisenta confirmed that a charge of \$613.73 for tenant damages was included in the total rental arrears claimed, for which she did not have evidence to support the application of. The rental arrears amount only as of June 30, 2014, was adjusted to \$10,457.

Ms. Konisenta also testified that Ms. Sanguéz has repeatedly failed to report her household income as required by her tenancy agreement; in this case the landlord requires monthly reporting of household income. Over the years the monthly rent for which the household income was not reported resulted in the assessment of full economic rent, which would then be retroactively re-assessed once the outstanding household income reports were received. As Ms. Sanguéz had again failed to report her household income since March, the landlord applied the full economic rent of \$1,625 for the months of April, May, and June.

Ms. Sanguiez did not dispute the allegations and confirmed that she as not in fact made any additional payments since February. She explained that she is a single mother receiving no child support, making it difficult to pay all her bills on time. Ms. Sanguiez did acknowledge her rental arrears and her responsibility to ensure her rent was paid. She assured the tribunal she could provide the landlord with any outstanding income information, however, her employer was away this summer and she was experiencing a delay in receiving her pay stubs. Ms. Sanguiez stated she could afford to pay \$300 per month in addition to her assessed monthly rent to pay down her rental arrears. Ms. Konisenta expressed satisfaction with the offer of a payment plan.

Tenancy agreement

The residential tenancy agreement entered into evidence is for a month-to-month tenancy in subsidized public housing starting April 1, 2012. There was no dispute between the parties of the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The customer aged detail and statement of account entered into evidence represents the landlord's accounting of assessed monthly rent and payment received against the respondent's rent account. I am satisfied they accurately reflect payments received against the respondent's rent account. These documents further corroborate the respondent's failure to pay her rent on time, and they support the applicant's allegation that the respondent has failed to report her household income as required.

Ms. Konisenta confirmed that the rent for July and August are not reflected on the statement of account. Ms. Sanguiez confirmed that her household income for the outstanding months has not changed greatly since February. The parties agreed it would not be unreasonable to apply a subsidized rent amount for the months of April through August based on that assessed for March of \$365, while acknowledging that the actual re-assessed amount may differ once the required income information is provided for proper calculation of the applicable subsidy. The rental arrears were recalculated as follows:

Rental arrears as of February 28, 2014	\$ 5,217.00
Rent for six months (March to August 2014) at \$365 per month	\$ 2,190.00
TOTAL RENTAL ARREARS	\$ 7,407.00

I find the respondent has accumulated rental arrears, has failed to pay her rent on time, and has failed to comply with her obligation to report her household income as required by her tenancy agreement.

An order will issue for Ms. Natasha Sanguiez to pay rental arrears in the amount of \$7,407 in minimum monthly installments of \$300 starting September 2014, to pay her rent on time in the future, and to comply with her obligation to report her household income in accordance with her tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

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

Exhibit 2: Residential tenancy agreement - indeterminate lease dated April 1, 2012

Exhibit 3: Statement of account dated August 19, 2014