

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Ernie Moses**, 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 **community of Wrigley in the Northwest Territories**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

ERNIE MOSES

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 \$6,760.00 (six thousand seven hundred sixty dollars) in minimum monthly installments of \$100.00 (one hundred dollars) starting in September 2014.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 25th day of August 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Ernie Moses**, Respondent.

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AND IN THE MATTER of a Hearing before **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

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-and-

ERNIE MOSES

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	August 21, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kathy Konisenta, representing the applicant Ernie Moses, respondent Darcy J. Moses, representing the respondent
<u>Date of Decision:</u>	August 21, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Ernie Moses 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 #6WY, Lot 29, Plan 429, in Wrigley, Northwest Territories. The applicant served a copy of the filed application on the respondent by regular mail sent June 13, 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 21, 2014, by three-way teleconference. The applicant was served notice of attendance by registered mail signed for August 5, 2014. Due to Canada Post's inability to provide registered mail service to the community of Wrigley, the respondent was served notice of attendance by regular mail. Ms. Kathy Konisenta appeared representing the applicant; Mr. Ernie Moses attended as respondent with Mr. Darcy J. Moses attending as his representative.

Ms. Konisenta testified that the respondent is in a residential tenancy agreement for subsidized public housing. As of August 21, 2014, the respondent had accumulated rental arrears in the amount of \$12,855.37. The last payment the applicant received from the respondent was on April 7, 2014, in the amount of \$300. Ms. Konisenta requested an order for payment of the rental arrears and that future rent be paid on time.

Mr. Ernie Moses acknowledged his debt and did not dispute the amount of the rental arrears claimed. With Mr. Darcy J. Moses's assistance, he advised he could pay an additional \$100 per month towards the rental arrears. Mr. Ernie Moses understood that the \$100 per month would be in addition to his monthly assessed rent. Ms. Konisenta was supportive of the incorporation of a payment plan into the 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 on a periodic month-to-month basis. 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 entered into evidence by the applicant represents the landlord's accounting of monthly subsidized rent and payments received against the respondent's rent account. The respondent did not dispute the balance owing reflected in the customer aged detail. I am satisfied the customer aged detail accurately reflects payments received on the respondent's rent account. I find the respondent has accumulated rental arrears in the amount of \$12,855.37.

Rental Officer Order #10-12807 dated January 18, 2013, ordered the respondent to pay rental arrears in the amount of \$6,095.37. This amount is included in the accumulated rental arrears identified above. Section 84(3) only permits a rental officer to rescind an order which already includes a payment plan; as Rental Officer Order #10-12807 does not include a payment plan, I cannot rescind that order and it remains in effect. The rental arrears accumulated since the issuance of Rental Officer Order #10-12807 are \$6,760.

I am satisfied the respondent's request for and the applicant's support of incorporating a payment plan into an order for payment of rental arrears is appropriate. An order will issue requiring Mr. Ernie Moses to pay rental arrears in the amount of \$6,760 in minimum monthly installments of \$100 starting in September 2014, and that he pay his future rent on time.

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: Customer aged detail as at August 20, 2014