

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Daphne Pierrot**, 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 charter community of Fort Good Hope in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

DAPHNE PIERROT

Respondent/Landlord

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 \$28,818.00 (twenty-eight thousand eight hundred eighteen dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 12th day of September 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Daphne Pierrot**, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

DAPHNE PIERROT

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 11, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Philip Bailey, representing the applicant Loretta Wiley, representing the applicant
<u>Date of Decision:</u>	September 11, 2014

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Daphne Pierrot as the respondent/tenant was filed by the Rental Office June 27, 2014. The application was made regarding a subsidized public housing residential tenancy agreement regarding the rental premises known as Lot 52, Plan 3901, in Fort Good Hope, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for August 12, 2014.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment of the rental arrears and that future rent be paid on time. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 11, 2014, by teleconference. Mr. Philip Bailey and Ms. Loretta Wiley appeared representing the applicant. Ms. Daphne Pierrot was served a notice of attendance by registered mail deemed served August 25, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. Pierrot did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

At commencement of the hearing, it was noted that the application as filed identified the rental premises as Lot 52, Plan 3901, in Fort Good Hope. Mr. Bailey cited this as a typographical error and requested the application be amended to correct the lot number to 252, referring to the residential tenancy agreement submitted into evidence which confirmed the rental premises as Lot 252 rather than Lot 52. The application was so amended and the rental premises will be referred to going forward as Lot 252, Plan 3901, in Fort Good Hope, Northwest Territories.

Mr. Bailey testified that Ms. Pierrot has been a tenant in subsidized public housing under the Supported Lease Program (SLP) since April 2005. She began accumulating rental arrears shortly after taking occupancy of the rental premises. Although she made efforts throughout the years, she failed to make any payments towards her arrears between May 24, 2013, and May 9, 2014. Mr. Bailey indicated Ms. Pierrot entered into an agreement to make payments which she has been complying with since May 2014. Ms. Pierrot's current accumulated rental arrears are \$28,818. After having discussions with Ms. Pierrot and in consideration of her successful efforts to comply with the agreed upon payments to date, Mr. Bailey indicated the applicant would be satisfied with an order for payment of the rental arrears and that Ms. Pierrot pay her rent on time in the future.

Tenancy agreement

The signed residential tenancy agreement entered into evidence by the applicant was for a tenancy between the parties under the applicant's Supported Lease Program, which is a form of subsidized housing agreement, for the rental premises known as Lot 252, Plan 3901, in Fort Good Hope, Northwest Territories. The agreement was signed by the parties on December 2, 2004, for a fixed-term from April 1, 2005, to April 1, 2007. Two other agreements were entered into evidence, however, they were unsigned by either party and therefore not considered. Mr. Bailey confirmed Ms. Pierrot has been in continuous occupation of the rental premises since April 2005 to date. I am satisfied a valid residential tenancy agreement for subsidized public housing is in effect in accordance with the Act.

Rental arrears

The signed agreement accepted into evidence does not include Schedule A, which is where the maximum economic rent is normally defined in a subsidized public housing agreement. Mr. Bailey was able to confirm after reviewing his own file that the maximum economic rent for this particular premises is \$2,297 since April 2007.

The statement of account and lease balance statement entered into evidence represents the landlord's accounting of assessed monthly rent and payments made against Ms. Pierrot's rent account since April 1, 2005. Mr. Bailey confirmed that all the rent amounts applied against Ms. Pierrot's account were subsidized based on reported household income. I am satisfied these statements accurately represent the payments made to date and I find Ms. Pierrot has accumulated rental arrears in the amount of \$28,818. The statements further substantiate the applicant's claim that Ms. Pierrot has been repeatedly late paying her rent.

An order will issue requiring Ms. Daphne Pierrot to pay rental arrears in the amount of \$28,818 and to pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's summary
- Exhibit 2: Residential lease agreement
- Exhibit 3: Residential lease agreement
- Exhibit 4: Residential tenancy agreement signed by both parties 2/12/04 (not sure if this is February or December)
- Exhibit 5: Statement of account as of March 31, 2012
- Exhibit 6: Lease balance statement as of June 30, 2014
- Exhibit 7: Applicant's correspondence to respondent dated March 3, 2005
- Exhibit 8: Applicant's non-sufficient funds correspondences to respondent dated January 8, May 25, 2009, January 8, April 8, November 1, 2010, February 28, 2011, February 27, July 4, 2013
- Exhibit 9: Applicant's income verification request correspondences to respondent dated July 19 and August 29, 2011
- Exhibit 10: Applicant's supported lease program correspondence to respondent dated January 27, 2014
- Exhibit 11: Applicant's payment change correspondence to respondent dated February 10, 2014
- Exhibit 12: Statutory declaration of respondent dated October 2, 2013
- Exhibit 13: Pre-authorized deduction from bank account dated May 5, 2014
- Exhibit 14: Lease balance statement for April 1, 2012, to August 29, 2014