

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Tephania Wedawin**, 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 community of Whati in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

TEPHANIE WEDAWIN

Respondent/Tenant

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 \$8,336.50 (eight thousand three hundred thirty-six dollars fifty cents).
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 sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 1110 in Whati will terminate March 31, 2015, unless the rents for October 2014 to March 2015 are paid before the last day of the respective months they are due.

DATED at the City of Yellowknife in the Northwest Territories this 30th day of September 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Tephanie Wedawin**, 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-

TEPHANIE WEDAWIN

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 24, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Jessica Relucio, representing the applicant
<u>Date of Decision:</u>	September 24, 2014

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Tephane Wedawin as the respondent/tenant was filed by the Rental Office May 16, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 1110 in Whati, Northwest Territories. The applicant served a filed copy of the application on the respondent by registered mail signed for May 30, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and sought an order for payment of rental arrears, that future rent be paid on time, and termination of the tenancy agreement. The application also requested an order amending the tenancy agreement to include Mr. Jimmy Laboline. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 24, 2014, by teleconference. Ms. Jessica Relucio appeared representing the applicant. Ms. Tephane Wedawin was served a notice of attendance by registered mail signed for September 18, 2014. Ms. Wedawin did not appear at the hearing, nor did anyone appear on her behalf; the hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Relucio testified that Ms. Wedawin has been a tenant in subsidized public housing since November 2010. Over the course of the tenancy, Ms. Wedawin repeatedly failed to pay the full amount of her rent when it was due resulting in an accumulation of rental arrears. Since authorizing biweekly automatic bank withdrawals in August 2012 Ms. Wedawin's payments have become more consistent, although there have been nine insufficient funds reversals to date. There have been no issues with the automatic bank withdrawals since May 2014 and recent communications between the applicant and Ms. Wedawin have been positive. Ms. Relucio wished only to ensure the monthly assessed rent and payments against the rental arrears continued to be made, and she requested an order for payment of the rental arrears, that future rent be paid on time, and conditional termination of the tenancy agreement.

With respect to the application to amend the tenancy agreement to include Mr. Jimmy Laboline, who has been living with Ms. Wedawin, I do not have the authority to direct an individual or individuals to enter into a tenancy agreement. Ms. Relucio acknowledged this and withdrew the request.

Tenancy agreement

The residential lease agreement entered into evidence by the applicant is signed by both parties for subsidized public housing starting November 15, 2010. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement submitted by the applicant represents the landlord's accounting of monthly assessed rent and payments made against the respondent's rent account. I am satisfied the statement accurately represents the status of the respondent's rent account. The statement also corroborates the applicant's allegation that the respondent has repeatedly failed to pay her rent on time in the past, although since May 2014 there have been no issues. I find the respondent has accumulated rental arrears as of September 24, 2014, in the amount of \$8,336.50.

Termination of tenancy agreement

I find termination of the tenancy agreement in this case is justified, although in consideration of recent efforts of the respondent to resolve the issues and positive communications between the applicant and respondent I am satisfied a conditional termination order is reasonable such that if rents are paid before the last day of the month they are due the tenancy will continue.

An order will issue requiring Ms. Tephanie Wedawin: to pay rental arrears in the amount of \$8,336.50; to pay her rent on time in the future; and terminating the tenancy agreement March 31, 2015, unless the rents for October 2014 to March 2015 are paid before the last day of the respective months they are due.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of account as of March 31, 2012
- Exhibit 2: Lease balance statement dated May 15, 2014
- Exhibit 3: HELP assessment results dated March 2, 2010 and June 29, 2012
- Exhibit 4: Applicant's Homeownership Entry Level Program (HELP) correspondence to respondent dated January 29, 2014
- Exhibit 5: Applicant's payment change correspondence to respondent dated February 27, 2014
- Exhibit 6: Email conversation between Jennifer Vachon, Michael Keohane, and Jessica Relucio dated May 1 and 2, 2012
- Exhibit 7: Applicant's Homeownership Entry Level Program - unit #1110 rental arrears correspondence to respondent dated April 29, 2013
- Exhibit 8: Email from Jessica Relucio to "tephaine@hotmail.com" Dated July 9, 2013
- Exhibit 9: Applicant's HELP - rent arrears - unit 1110 correspondence to respondent dated February 27, 2014
- Exhibit 10: Applicant's outstanding rental arrears correspondence to respondent dated February 27, 2014
- Exhibit 11: Applicant's payment change correspondence to respondent dated February 27, 2014
- Exhibit 12: Residential lease agreement
- Exhibit 13: Homeownership Entry Level Program agreement
- Exhibit 14: Lease balance statement dated September 22, 2014