

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Therese Mackenzie**, 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 **town of Behchoko in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

THERESE MACKENZIE

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 \$9,861.36 (nine thousand eight hundred sixty-one dollars thirty-six cents) in minimum monthly installments of \$100.00 (one hundred dollars) starting in November 2014.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Therese Mackenzie**, Respondent.

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BETWEEN:

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 7, 2014
<u>Place of the Hearing:</u>	Behchoko, Northwest Territories
<u>Appearances at Hearing:</u>	Bonnie Leonardis, representing the applicant Michael Keohane, representing the applicant Therese Mackenzie, respondent
<u>Date of Decision:</u>	October 7, 2014

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Therese Mackenzie as the respondent/tenant was filed by the Rental Office June 19, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 204 in Behchoko, Northwest Territories. The applicant personally served a filed copy of the application on the respondent August 11, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and sought an order for payment of the rental arrears, payment of future rent on time, and termination of the tenancy agreement. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 7, 2014, in Behchoko, Northwest Territories. Ms. Bonnie Leonardis and Mr. Michael Keohane appeared representing the applicant. Ms. Therese Mackenzie appeared as respondent.

Ms. Leonardis testified that Ms. Mackenzie has been a tenant in subsidized public housing since April 2004. In February 2011 Ms. Mackenzie began accumulating rental arrears. Prior to then she had a substantial credit to her rent account and the last payment actually made against the account to date was received on March 4, 2009. Zero rent was charged from January 2007 to October 2010, July 2011 to March 2012, and April 2013 to December 2013. The current monthly rent assessed in accordance with the applicant's new Supported Lease Program policies is \$375 as of April 2014.

Ms. Leonardis testified the applicant would prefer not to terminate the tenancy agreement with Ms. Mackenzie if she could commit to paying her rent and make extra payments towards her rental arrears. The current rental arrears have accumulated to \$9,861.36.

Ms. Mackenzie did not dispute the amount of rental arrears and confirmed she has not made any payments in a long time. She understood her monthly rent is now assessed at \$375 and indicated she could afford to pay that plus another \$100 per month to go towards her rental arrears.

Tenancy agreement

The lease submitted into evidence by the applicant was made between the parties on April 15, 2004. It is for subsidized public housing for a fixed-term from April 15, 2004, to March 31, 2005, after which it automatically renewed as a monthly tenancy pursuant to section 49(1) of the *Residential Tenancies Act* (the Act). There was no dispute between the parties regarding the tenancy agreement. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the Act.

Rental arrears

The statement of account and lease balance statement submitted into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account. There was no dispute as to the accuracy of the accounting. I am satisfied the statements accurately represent the status of the respondent's rent account as of this hearing date. I find the respondent has accumulated rental arrears in the amount of \$9,861.36.

To my mind the incorporation of a payment plan into an order for payment of rental arrears serves the parties well and gives the respondent an opportunity to resolve the arrears she has accumulated in an affordable manner without losing her home.

An order will issue requiring Ms. Therese Mackenzie to pay rental arrears in the amount of \$9,861.36 in minimum monthly installments of \$100 starting in November 2014.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease made April 15, 2004
- Exhibit 2: Lease balance statement dated March 6, 2014
- Exhibit 3: North Slave District Office reconciliation as at March 31, 2002
- Exhibit 4: Applicant's Supported Lease Program correspondence to respondent dated January 29, 2014
- Exhibit 5: E-mail from Michael Keohane to Terry Fisher, Nancy Peel, and Jessica Relucio dated July 15, 2011
- Exhibit 6: Applicant's payment change correspondence to respondent dated January 16, 2014
- Exhibit 7: Applicant's payment change correspondence to respondent dated January 16, 2014
- Exhibit 8: Applicant's payment change correspondence to respondent dated January 16, 2014
- Exhibit 9: IHP assessment results dated March 16, 2004
- Exhibit 10: Monthly payment sheet dated April 23, 2004
- Exhibit 11: NWT Housing Corporation program denial reports for assessment years 2005, 2007, 2008, 2009, 2010, and 2011
- Exhibit 12: Income tax return information - regular for Therese Mackenzie for tax years 2005 to 2012
- Exhibit 13: NWT Housing Corporation SLP assessment results for assessment year 2006
- Exhibit 14: Northwest Territories Housing Corporation income verification summaries for assessment years 2008, 2009, 2011, and 2014
- Exhibit 15: GNWT Human Resources employee verification correspondence dated December 11, 2013
- Exhibit 16: Lease balance statement dated October 6, 2014