

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Louisa Beaulieu-Zoe and Frank Gargan**, Respondents;

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 -

LOUISA BEAULIEU-ZOE and FRANK GARGAN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$21,554.00 (twenty-one thousand five hundred fifty-four dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their 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 705A in Whati, Northwest Territories, will terminate November 30, 2014, unless the rental arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 17th day of October 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Louisa Beaulieu-Zoe and Frank Gargan**, Respondents.

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-

LOUISA BEAULIEU-ZOE and FRANK GARGAN

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	October 14, 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>	October 14, 2014

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Louisa Beaulieu-Zoe and Frank Gargan as the respondents/tenants 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 705A in Whati, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for July 7, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and had failed to report household income in accordance with the tenancy agreement, and sought an order for payment of rental arrears, future rent be paid on time, conditional termination of the tenancy agreement, and conditional eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 14, 2014, by teleconference. Ms. Jessica Relucio appeared representing the applicant. Ms. Louisa Beaulieu-Zoe and Mr. Frank Gargan were served notices of attendance by registered mail deemed served September 24, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Ms. Beaulieu-Zoe nor Mr. Gargan appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Relucio testified the respondents have been tenants in subsidized public housing at Unit 705A in Whati, Northwest Territories, since April 1, 2006. Rental arrears have accumulated throughout the tenancy, most significantly since December 2009. From November 2010 to March 2012 the maximum monthly rent was assessed due to the respondents' failure to report their household income for that period. Since April 2012 the respondents have reported their household income and been assessed rent subsidies. The current rental arrears to date are \$21,554.

Multiple notices have been sent to the respondents regarding the matter of the rental arrears without any direct response from the respondents. Payments were sporadic at best between March 2010 and April 2011, after which they were non-existent until February 2012. Payments received between February 2012 to date have remained sporadic, but have been of such amounts to reduce the rental arrears accumulated by approximately \$2,000.

Ms. Relucio confirmed the applicant would not be opposed to a conditional termination and eviction order, enforceable only if the respondents failed to pay the full amount of rental arrears. It was conceded the likelihood of the respondents being able to pay such a significant amount in a relatively short period of time was low and, in light of the respondents' lack of communication and effort to resolve the matter, suggested the justification for an eviction order to be made today in conjunction with the termination order.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant is for a subsidized public housing for the rental premises known as Unit 705A in Whati, Northwest Territories. It is an agreement made between the parties for a fixed-term from April 1 to July 1, 2006, after which it automatically renewed as a monthly tenancy pursuant to section 49(1) of the Act. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The statement of account and lease balance statement entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments made against the respondents' rent account. I am satisfied these statements accurately represent the current status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$21,554.

Termination of the tenancy agreement and eviction

The significant amount of rental arrears, the failure of the respondents to make consistent efforts to resolve their account, and the respondents' failure to pay their monthly rent on time are all justification to terminate this tenancy agreement and to order the respondents' eviction. The applicant's offer to consider conditional termination and eviction orders is generous and I accept their willingness to give the respondents' a chance to make acceptable changes to their status as tenants in social housing.

An order will issue requiring Ms. Louisa Beaulieu-Zoe and Mr. Frank Gargan to pay rental arrears in the amount of \$21,554, to pay their rent on time in the future, terminating their tenancy agreement on November 30, 2014, unless the rental arrears are paid in full, and evicting them from the rental premises December 1, 2014, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Statement of account dated March 31, 2012
- Exhibit 2: Lease balance statement dated May 26, 2014
- Exhibit 3: Applicant's correspondence to respondents dated March 22, 2006
- Exhibit 4: Applicant's correspondence to respondents dated May 4, 2007
- Exhibit 5: Applicant's correspondence to respondents dated April 4, 2007
- Exhibit 6: Applicant's outstanding rental arrears - \$1,609.00 correspondence to respondents dated November 14, 2007
- Exhibit 7: Applicant's outstanding rental arrears correspondence to respondents dated July 26, 2007
- Exhibit 8: Applicant's notice of maximum rent adjustments correspondence to respondents dated December 20, 2007
- Exhibit 9: Applicant's notice of maximum rent adjustments correspondence to respondent Louisa Beaulieu dated January 14, 2009
- Exhibit 10: Applicant's correspondence to respondent Louisa Beaulieu Zoe dated July 13, 2011
- Exhibit 11: Applicant's correspondence to respondent Louisa Beaulieu Zoe dated October 19, 2011
- Exhibit 12: Applicant's correspondence to respondents dated March 26, 2010
- Exhibit 13: Applicant's outstanding rental arrears correspondence to respondent Louisa Beaulieu-Zoe dated June 8, 2013
- Exhibit 14: Applicant's outstanding rental arrears correspondence to respondent Louisa Beaulieu-Zoe dated January 29, 2014
- Exhibit 15: Applicant's outstanding rental arrears - 30 days correspondence to respondent Louisa Beaulieu-Zoe dated March 3, 2014
- Exhibit 16: Applicant's outstanding rental arrears - 45 days correspondence to respondent Louisa Beaulieu-Zoe dated May 26, 2014
- Exhibit 17: Residential tenancy agreement fixed term lease dated March 14, 2006
- Exhibit 18: Residential tenancy agreement fixed term lease dated October 18, 2011
- Exhibit 19: Lease balance statement dated October 6, 2014
- Exhibit 20: Lease balance statement dated October 14, 2014