

IN THE MATTER between **Fort Resolution Housing Authority**, Applicant, and **Lynn Edjericon**, 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 **hamlet of Fort Resolution in the Northwest Territories**.

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

LYNN EDJERICON

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 \$2,135.00 (two thousand one hundred thirty-five dollars) in minimum monthly installments of \$150.00 (one hundred fifty dollars) starting in November 2014 until the rental arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 10th day of November 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Resolution Housing Authority**, Applicant, and **Lynn Edjericon**, Respondent.

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BETWEEN:

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-and-

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REASONS FOR DECISION

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| <u>Date of the Hearing:</u> | October 30, 2014 |
| <u>Place of the Hearing:</u> | Fort Resolution, Northwest Territories, by teleconference |
| <u>Appearances at Hearing:</u> | Darrin Holmes, representing the applicant Lynn Edjericon, respondent |
| <u>Date of Decision:</u> | October 30, 2014 |

REASONS FOR DECISION

An application to a rental officer made by Fort Resolution Housing Authority as the applicant/landlord against Lynn Edjericon as the respondent/tenant was filed by the Rental Office August 20, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Plan 2343, Lot 196, D-17, in Fort Resolution, Northwest Territories. The applicant served the respondent a copy of the filed application by registered mail signed for October 7, 2014.

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

A hearing was scheduled for October 30, 2014, in Fort Resolution. Mr. Darrin Holmes appeared representing the applicant. Ms. Lynn Edjericon appeared as respondent.

Mr. Holmes testified Ms. Edjericon has been a tenant in subsidized public housing since July 2012. She began accumulating carrying rental arrears in August 2012; her payments became inconsistent at best and were insufficient to resolve the arrears. The last payment received from Ms. Edjericon was in February 2013 for the amount of \$700. Her rental arrears to date are \$2,135. Mr. Holmes also testified that Ms. Edjericon has not consistently reported her household income monthly as required by her tenancy agreement. Her household income for June to September 2014 was just reported last week, resulting in the assessment of subsidies against the rents for July to October inclusive.

Ms. Edjericon did not dispute the either the rental arrears or that she had not been reporting her income monthly. She admitted this tenancy was her first solo venture and that her youth and inexperience has misled her to the situation she finds herself in now. She testified that she should be able to pay off her rental arrears in full by the end of December. When asked, she agreed and appreciated the suggestion of incorporating a payment plan into an order for payment of the rental arrears, which would allow her to budget for her other financial obligations while reducing her rental arrears. Mr. Holmes was not opposed to this suggestion under the circumstances.

Ms. Edjericon's responsibilities and obligations under the tenancy agreement with respect to payment of her rent and reporting of her household income were reinforced to her at hearing as priorities, and she was encouraged to re-read both her tenancy agreement and the *Residential Tenancies Act* so that she fully understands those responsibilities and obligations. She was also encouraged to ask questions if she didn't understand something in either of those documents.

Under the circumstances, I am not satisfied termination of the tenancy agreement is justified. Ms. Edjericon is a young mother still learning the ropes of financial budgeting and prioritization, who has never been brought before a rental officer before and appears to now understand the significant consequences of failing to pay her rent and comply with her obligations under her tenancy agreement.

An order will issue requiring Ms. Lynn Edjericon to pay rental arrears in the amount of \$2,135 in minimum monthly installments of \$150 starting in November 2014 until the arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement dated August 7, 2014

Exhibit 2: Applicant's outstanding rental arrears correspondence to respondent dated April 11, 2014

Exhibit 3: Applicant's outstanding rental arrears - 30 days correspondence to respondent dated May 8, 2014

Exhibit 4: Applicant's outstanding rental arrears - 45 days correspondence to respondent dated June 3, 2014

Exhibit 5: Applicant's notice of termination - Residential Tenancy Act s. 54(1) correspondence to respondent sent by registered mail dated July 4, 2014

Exhibit 6: Residential tenancy agreement fixed term lease dated April 1, 2014

Exhibit 7: Lease balance statement dated October 28, 2014