

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Sam Beaulieu and Marlena Tsetso**, 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, regarding a rental premises located within the **town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

SAM BEAULIEU and MARLENA TSETSO

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 \$1,472.98 (one thousand four hundred seventy-two dollars ninety-eight cents).
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 1C Park Place in Hay River, Northwest Territories, will terminate December 31, 2014, and the respondents must vacate the rental premises on or before that date, unless the rental arrears of \$1,472.98 (one thousand four hundred seventy-two dollars ninety-eight cents) are paid in full and the rent for December 2014 is paid on time.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **Sam Beaulieu and Marlena Tsetso**, 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:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

SAM BEAULIEU and MARLENA TSETSO

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 20, 2014
<u>Place of the Hearing:</u>	Hay River, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Adam Swanson, representing the applicant
<u>Date of Decision:</u>	November 20, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as the applicant/landlord against Sam Beaulieu and Marlena Tsetso as the respondents/tenants was filed by the Rental Office September 8, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 1C Park Place in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondents September 12, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and failed to comply with an order of the rental officer, 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 November 20, 2014, in Hay River, Northwest Territories. Mr. Adam Swanson appeared representing the applicant. Mr. Sam Beaulieu and Ms. Marlena Tsetso were sent notices of attendance by registered mail deemed served November 3, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Swanson confirmed at hearing he has spoken with the respondents and confirmed with them the date, time, and place of the scheduled hearing. Neither Mr. Beaulieu nor Ms. Tsetso, nor anyone representing them, appeared at the hearing. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Mr. Swanson testified the respondents have been tenants in subsidized public housing since May 2012. In March 2014 rental officer order number 10-13914 was issued requiring the respondents to pay their rent on time in the future. Since March the respondents have continued to be late paying their monthly rent and have now accumulated rental arrears in the amount of \$1,472.98, representing part of the rent for August and all the rent for September and October.

Mr. Swanson confirmed the applicant's request for an order for payment of rental arrears, that future rent be paid on time, and terminating the tenancy agreement; he withdrew the request for an eviction order.

Tenancy agreement

The residential tenancy agreement dated May 10, 2012, entered into evidence by the applicant is between the parties for subsidized public housing identified at 1C Park Place in Hay River, Northwest Territories. I am satisfied a valid tenancy agreement exists between the parties in accordance with the Act.

Rental arrears and compliance with an order of the rental officer

The client aged detail entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received on the respondents' rent account. I am satisfied the client aged detail accurately reflects payments received against the respondents' rent account.

The client aged detail corroborates the applicant's testimony that the respondents have been repeatedly late paying their monthly rent and further substantiates the rental arrears alleged of \$1,472.98.

Rental officer order number 10-13914 dated March 31, 2014, requires the respondents to pay their rent on time in the future. The reasons for decision indicate the respondents were present at that hearing, they had cleared their arrears just prior to the hearing, and they understood their responsibilities as tenants. The applicant at that hearing withdrew their request for termination and eviction under those circumstances, and as a result the order issued was only for payment of future rent on time. It is clear from Mr. Swanson's testimony and the client aged detail the respondents have not complied with the order by failing to pay their future rent on time. They also clearly have not paid the full amount of rent payable each month. I find the respondents have failed to comply with an order of a rental officer.

Termination of the tenancy agreement

The applicant's request for an order terminating the tenancy agreement is justified under the circumstances, however, in light of the previously exhibited ability of the respondents to clear their rent account and having been brought before the rental officer only once previously, I find justification for a conditional termination order. Essentially I am giving the respondents one more opportunity to comply with their obligations; should they fail to pay the full amount of rental arrears and the December 2014 rent by December 31, 2014, the tenancy agreement will end on that date.

An order will issue requiring the respondents to pay rental arrears in the amount of \$1,472.98, to pay their rent on time in the future, and terminating their tenancy agreement December 31, 2014, unless the rental arrears and December 2014 rent are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts
- Exhibit 2: Residential tenancy agreement dated May 10, 2012
- Exhibit 3: Rental officer order number 10-13914 dated March 31, 2014
- Exhibit 4: Applicant's note to file dated August 28, 2014
- Exhibit 5: Applicant's overdue account correspondences to respondents dated: March 24, April 9, May 21, June 9, July 8, August 12, August 25, 2014
- Exhibit 6: Applicant's statements dated: July 21 and August 29, 2014
- Exhibit 7: Applicant's outstanding rental arrears correspondence to respondents dated May 9, 2014
- Exhibit 8: Customer aged detail as at August 29, 2014
- Exhibit 9: Applicant's notice of termination of tenancy correspondence to respondents dated August 29, 2014
- Exhibit 10: Applicant's statements dated: September 8, September 22, October 8, October 22, November 10, and November 17, 2014
- Exhibit 11: Customer aged detail as at November 17, 2014
- Exhibit 12: Email conversation between Amanda Coleman and Adam Swanson dated October 9-14, 2014
- Exhibit 13: Applicant's warning correspondences to respondents dated: September 16 and September 29, 2014
- Exhibit 14: Applicant's notes to file dated: September 16 and September 26, 2014