

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Nicole Isaiah**, 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 village of Fort Simpson in the Northwest Territories**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

NICOLE ISAIAH

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 \$899.00 (eight hundred ninety-nine dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 12th day of November 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Nicole Isaiah**, 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:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

-and-

NICOLE ISAIAH

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 12, 2014
<u>Place of the Hearing:</u>	Fort Simpson, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kathy Konisenta, representing the applicant
<u>Date of Decision:</u>	November 12, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Nicole Isaiah and Leander Isaiah was filed by the Rental Office September 12, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 35, Lot 390, Plan 1373, in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for October 6, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and sought an order for payment of rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for November 12, 2014, in Fort Simpson, Northwest Territories. Ms. Kathy Konisenta appeared representing the applicant. Ms. Nicole Isaiah and Mr. Leander Isaiah were served notices of attendance by registered mail signed for by Ms. Isaiah on October 30, 2014. Neither Ms. Isaiah nor Mr. Isaiah appeared at hearing, nor did anyone appear on their behalf. A review of the residential tenancy agreement dated September 21, 2012, referred to the tenants as Leander Browning and Nicole Isaiah. Ms. Konisenta confirmed there was an error made to the application to a rental officer in identifying Leander Browning as Leander Isaiah. All documents and notifications resulting from the filing of this application to a rental officer have been addressed to Leander Isaiah. As a result, I am not able to confirm Mr. Browning was properly served with respect to this matter. The hearing proceeded solely against Ms. Nicole Isaiah, and proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Konisenta testified Ms. Isaiah has been a tenant in subsidized public housing since approximately May 2010 and provided two written tenancy agreements establishing a fixed-term tenancy commencing July 1, 2012, naming both Mr. Browning and Ms. Isaiah as joint tenants. A third written tenancy agreement was also entered into evidence by Ms. Konisenta dated September 2, 2014, for a monthly tenancy agreement starting September 1, 2014, with Ms. Isaiah named as the sole tenant. Ms. Konisenta testified Ms. Isaiah had attended the office on

September 2, 2014, to confirm she was no longer in a relationship with Mr. Browning and that he had vacated the rental premises; the landlord and Ms. Isaiah entered into a new tenancy agreement for subsidized public housing. I am satisfied Ms. Isaiah has been a tenant in subsidized public housing in the same rental premises continuously since July 2012.

Ms. Konisenta testified Ms. Isaiah had accumulated rental arrears of \$899 to date. Ms. Isaiah was last in the office in October, at which time she continued to promise to make extra payments which have not occurred. Ms. Isaiah is currently not working and is receiving income support assistance. Ms. Konisenta provided a customer aged detail representing an accounting of Ms. Isaiah's rent account in support of her request for an order to pay rental arrears. I am satisfied the customer aged detail accurately reflects payments received on Ms. Isaiah's rent account. I find Ms. Isaiah has accumulated rental arrears in the amount of \$899.

An order will issue requiring Ms. Nicole Isaiah to pay rental arrears in the amount of \$899 and to pay her rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Customer aged detail as at September 4, 2014

Exhibit 2: Applicant's invoice #9743-TD dated October 31, 2011

Exhibit 3: Residential tenancy agreement indeterminate lease dated September 2, 2014

Exhibit 4: Customer aged detail as at November 10, 2014

Exhibit 5: Residential tenancy agreement fixed term lease dated September 21, 2012

Exhibit 6: Residential tenancy agreement fixed term lease date September 21, 2012