

IN THE MATTER between **Fort McPherson Housing Association**, Applicant, and  
**William Nerysoo and Edna Nerysoo**, 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 **hamlet of Fort McPherson in the  
Northwest Territories**.

BETWEEN:

**FORT MCPHERSON HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**WILLIAM NERYSOO and EDNA NERYSOO**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a), 42(3)(e), and 84(2) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears and compensation for the costs of repairing damages in the total amount of \$924.90 (nine hundred twenty-four dollars ninety cents) in minimum monthly installments of \$100.00 (one hundred dollars) starting in November 2014 until the arrears are paid in full.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of November  
2014.

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Adelle Guigon  
Deputy Rental Officer

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-and-

**WILLIAM NERYSOO and EDNA NERYSOO**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>October 16, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Fort McPherson, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Shirley Wilson, representing the applicant Edna Nerysoo, respondent William Nerysoo, respondent</b>
<b><u>Date of Decision:</u></b>	<b>October 16, 2014</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Fort McPherson Housing Association as the applicant/landlord against William Nerysoo and Edna Nerysoo as the respondents/tenants was filed by the Rental Office August 27, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 0140 Harriet Stewart Avenue in Fort McPherson, Northwest Territories. The applicant personally served the respondents a filed copy of the application package September 3, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and caused damages to the rental premises, and sought an order for payment of rental arrears, compensation for the cost of repairing damages, termination of the tenancy agreement, eviction, and compensation for use and occupation post-termination. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for October 16, 2014, in Fort McPherson, Northwest Territories. Ms. Shirley Wilson appeared representing the applicant. Mr. William Nerysoo and Ms. Edna Nerysoo appeared as respondents.

Ms. Wilson testified the respondents have been in a tenancy agreement for subsidized public housing since May 1993. Two previous rental officer orders were issued – one each in 2007 and 2009 – requiring payment of rental arrears, both of which were satisfied. In August 2013 the respondents again began accumulating rental arrears; in January 2014 those arrears were reduced to \$5.90, however, since then the arrears have again accumulated to \$750.83 as of this hearing date. The respondents have been making payments, albeit not every month and not of sufficient amount to pay the monthly rent and arrears.

The respondents did not dispute the amount of rental arrears claimed. The respondents are elders in the community, and Mr. Nerysoo does not usually work although on occasion he is called upon by the community to cover holiday leave of staff at the power plant. These periods of employment are reflected in the respondents' rent account by the fluctuating amounts of subsidy

applied to the monthly rent. The respondents advised they could afford to make minimum monthly installments of \$100 in addition to their monthly assessed rent; they confirmed understanding their monthly rent would fluctuate depending on their actual monthly household income.

Ms. Wilson also made a claim of \$174.07 for replacement of the porch window glass, which was broken by a guest of the respondents and reported to the police and the landlord in April 2014. The respondents did not dispute this claim either and agreed it should be included in the calculation of total arrears.

Ms. Wilson acknowledged and appreciated the respondents offer of a payment plan to pay down their arrears. She admitted the applicant had no real desire to evict these elders from their home, but wished to reinforce the respondents' responsibility to ensure they consistently meet their obligations as tenants. Ms. Wilson indicated they would be satisfied with an order to pay arrears incorporating a payment plan and that future rent be paid on time.

#### *Tenancy agreement*

The applicant testified the respondents have been in a residential tenancy agreement for subsidized public housing since May 1993 and provided the most recent written residential tenancy agreement establishing a periodic tenancy agreement starting April 1, 2012. The respondents acknowledged the landlord-tenant relationship and their current occupancy of the rental premises known as 00140 Harriet Stewart Avenue in Fort McPherson, Northwest Territories. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

#### *Rental arrears*

The tenant ledger cards entered into evidence by the applicant represent the landlord's accounting of monthly assessed rent and payments received against the respondents' rent account. The respondents did not dispute the accuracy of these documents. I am satisfied the tenant ledger cards accurately reflect payments received against the respondents' rent account to date. I find the respondents have accumulated rental arrears in the amount of \$750.83.

*Cost of repairs*

The applicant's invoice number 15-012 dated May 29, 2014, and the Northwest Territories Housing Corporation's work order number RM009042 dated May 14, 2014, refer to a request to repair a porch window smashed by Nancy and reported to the RCMP on April 28, 2014, and a request on the same day to effect repairs. The work order indicates the repair was conducted the same day, April 28, 2014, and required the replacement of the thermoseal glass at a total cost of \$174.07. The respondents did not dispute this charge. I am satisfied these documents substantiate the claim for the repair of a damaged porch window and that the amount claimed for the repair is reasonable. I find the respondents liable for the cost of repairs in the amount of \$174.07.

An order will issue requiring the respondents to pay rental arrears in the amount of \$750.83, to compensate the applicant for the cost of repairs in the amount of \$174.07, to make minimum monthly installments of \$100 towards the total arrears starting in November 2014, and to pay their rent on time in the future.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement indeterminate lease dated April 1, 2012
- Exhibit 2: Applicant's demand notice correspondence to respondents dated March 10, 2014
- Exhibit 3: Applicant's termination notice correspondence to respondents dated May 7, 2014
- Exhibit 4: Tenant ledger cards for rent from April 30, 2013, to July 31, 2014
- Exhibit 5: Applicant's invoice number 15-012 dated May 29, 2014
- Exhibit 6: Northwest Territories Housing Corporation work order number RM009042 dated May 14, 2014
- Exhibit 7: Tenant ledger cards for rent from April 30 to October 15, 2014
- Exhibit 8: Applicant's invoice number 14-054 dated September 12, 2013
- Exhibit 9: Applicant's correspondence to respondents dated August 1, 2013
- Exhibit 10: Schedule A to the residential tenancy agreement indeterminate lease dated April 1, 2012