

IN THE MATTER between **Fort Liard Social Housing**, Applicant, and **Justin Bertrand and Sheila Klondike**, 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 Liard in the Northwest Territories**.

BETWEEN:

FORT LIARD SOCIAL HOUSING

Applicant/Landlord

- and -

JUSTIN BERTRAND and SHEILA KLONDIKE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$7,443.00 (seven thousand four hundred forty-three dollars) in minimum monthly installments of \$150.00 (one hundred fifty dollars) starting in December 2014 and each month thereafter until the rental 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.

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 #803, 49 Diamond Willow Road, Lot 49, LTO 1186, in Fort Liard, Northwest Territories, will terminate March 31, 2015, unless the minimum monthly installments and rents for December 2014 to March 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 1st day of December 2014.

Adelle Guigon
Deputy Rental Officer

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AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

FORT LIARD SOCIAL HOUSING

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-and-

JUSTIN BERTRAND and SHEILA KLONDIKE

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 19, 2014
<u>Place of the Hearing:</u>	Fort Liard, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Ellen McLeod, representing the applicant Justin Bertrand, respondent Sheila Klondike, respondent
<u>Date of Decision:</u>	November 19, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Liard Social Housing as the applicant/landlord against Sheila Klondike 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 #803, 49 Diamond Willow Road, Lot 49, LTO 1186, in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for September 16, 2014.

The applicant alleged in the application the respondents had accumulated rental arrears and failed to report their household income when required. They sought an order for payment of rental arrears, reporting of household income, and termination of the tenancy agreement. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for November 19, 2014, in Fort Liard, Northwest Territories. Ms. Ellen McLeod appeared representing the applicant. Mr. Justin Bertrand and Ms. Sheila Klondike appeared as respondents.

Ms. McLeod testified the respondents have been tenants in subsidized public housing since February 1, 2012. The respondents have been accumulating rental arrears since April 2013. The rents applied have been assessed based on reported household income. The respondents have accumulated the rental arrears as a result of failing to pay the full amount of assessed rent when it is due. Further, the respondents have not reported their household income when requested to do so, in this case monthly. The respondents' household income reports are current to date, however, they have historically been submitted late.

Ms. McLeod acknowledged, as is evidenced by the lease balance statement, the respondents have been making payments against their rent account. The payments have not been every month, they have not been on time, and they have not been of sufficient amount to cover either the assessed rent or the rental arrears. Ms. McLeod reiterated the applicant's request for an order for payment of the rental arrears and further requested an order for payment of future rent on time. In light of the respondents' recent on-time submissions of household income reports, Ms. McLeod

withdrew the request for an order that the respondents report their household income on time. She did also request, in consideration of the respondents' efforts, a conditional termination order dependent on the respondents' compliance with paying their rent on time and committing to a payment plan towards the rental arrears.

The respondents accepted responsibility for the rental arrears, indicating financial difficulties preventing them from being able to pay the full amount rents. Mr. Bertrand indicated he is seasonally employed over the summer months for which payments have been late in arriving. He has recently been approved for employment insurance benefits which he expects to start receiving cheques from over the next few weeks. The respondents indicated their current and expected income would permit them to pay their monthly rent and they could commit to paying an additional \$150 per month towards their rental arrears.

Tenancy agreement

The residential tenancy agreement for subsidized public housing entered into evidence is made between the parties beginning February 1, 2012. The respondents did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the Act.

Rental arrears and payment plan

The lease balance statement entered into evidence reflects the landlord's accounting of monthly rents and payments received against the respondents' rent account. The respondents did not dispute the accuracy of this statement. I am satisfied the lease balance statement accurately reflects the status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$7,443. I accept the respondents' commitment to pay \$150 per month towards the rental arrears, in addition to their monthly assessed rent.

Termination of the tenancy agreement

The rental arrears of \$7,443 represent a substantial breach of the respondents' tenancy agreement. This is the first time the respondents have been brought before the rental officer. The applicant's request for a termination order conditional on the payment of rent and minimum monthly installments being made on time is reasonable under the circumstances.

An order will issue requiring the respondents to pay rental arrears in the amount of \$7,443 in minimum monthly installments of \$150 starting in December 2014 and each month thereafter until the rental arrears are paid in full; to pay their future rent on time; and terminating the tenancy agreement March 31, 2015, unless the rents and minimum monthly installments for December 2014 to March 2015 are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's to all tenants of Fort Liard Social Housing correspondence to respondents dated January 3, 2013
- Exhibit 2: Applicant's rental arrears correspondences to respondents dated: April 30, 2013; July 17, 2013; August 27, 2013; October 25, 2013; November 20, 2013; December 23, 2013; and January 6, 2014
- Exhibit 3: Applicant's notice cards to respondents dated: January 6, 2014; April 2, 2014
- Exhibit 4: Applicant's rent payment and arrears payment correspondences to respondents dated: January 23, 2014; March 4, 2014; April 24, 2014; May 29, 2014; June 16, 2014; July 16, 2014; August 22, 2014
- Exhibit 5: Lease balance statement dated August 28, 2014
- Exhibit 6: Residential tenancy agreement fixed term lease dated February 2, 2012
- Exhibit 7: Applicant's outstanding rental arrears correspondence to respondents dated November 17, 2014
- Exhibit 8: Lease balance statement dated November 18, 2014