

IN THE MATTER between **Lutselk'e Housing Authority**, Applicant, and **Joe V. Catholique and Wanda Gale**, Respondents;

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 community of Lutselk'e in the Northwest Territories**.

BETWEEN:

LUTSELK'E HOUSING AUTHORITY

Applicant/Landlord

- and -

JOE V. CATHOLIQUE and WANDA GALE

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 \$6,562.52 (six thousand five hundred sixty-two dollars fifty-two cents) in minimum monthly installments of \$50.00 (fifty dollars) starting in December 2014 and continuing 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.

DATED at the City of Yellowknife in the Northwest Territories this 17th day of December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Lutselk'e Housing Authority**, Applicant, and **Joe V. Catholique and Wanda Gale**, 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.

BETWEEN:

LUTSELK'E HOUSING AUTHORITY

Applicant/Landlord

-and-

JOE V. CATHOLIQUE and WANDA GALE

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 26, 2014
<u>Place of the Hearing:</u>	Lutselk'e, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Michael Keohane, representing the applicant Melissa Catholique, representing the applicant Joe V. Catholique, respondent Wanda Gale, respondent
<u>Date of Decision:</u>	November 26, 2014

REASONS FOR DECISION

An application to a rental officer made by Lutselk'e Housing Authority as the applicant/landlord against Joe V. Catholique and Wanda Gale as respondents/tenants was filed by the Rental Office September 10, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 91-1 in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for September 26, 2014.

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

A hearing was scheduled for November 26, 2014, in Lutselk'e, Northwest Territories. Mr. Michael Keohane and Ms. Melissa Catholique appeared representing the applicant. Mr. Joe V. Catholique and Ms. Wanda Gale appeared as respondents.

Mr. Keohane testified the respondents have been tenants in subsidized public housing since August 2005. The amount of rental arrears that have accumulated over the years has varied in large part due to total household income not being reported for a period of time. Household income reports were brought up to date in October 2012 and have since been consistently reported, permitting the applicant to calculate rent subsidies. Mr. Catholique is recognized as a respected elder in the community and the total household income since April 2013 has resulted in a monthly assessed rent of \$70. However, very few payments have been made against the rent account throughout the tenancy, the last payment of \$70 being made November 29, 2013. The current rental arrears have accumulated to \$6,562.52.

Mr. Keohane expressed no interest in terminating this tenancy, desiring only that the respondents comply with their obligation to pay their rental arrears and their monthly rent on time.

The respondents did not dispute the amount of rental arrears claimed, acknowledging their obligation to pay their rent. Mr. Catholique expressed unrelated concerns regarding unfulfilled promises to be provided with suitable housing that were made to him over the years that he worked for the community and for housing. He confirmed his income is very low and he is still supporting one of his two children at home. Ms. Gale explained their oldest child is living with them, but their youngest son is away from home with no employment and no money; they are supporting the youngest son as best they can under the circumstances. The respondents acknowledged they would like to resolve the rental arrears and have spoken with the local housing authority representative prior to this hearing about starting a payment plan of \$500 per month starting in January 2015.

Mr. Keohane appreciated the offer of a payment plan but expressed concern that the amount promised might be too much to commit to on a regular basis. In recognition of the respondents' elder status and low income threshold, he indicated satisfaction with an order for payment incorporating a minimum payment plan of \$50 to be paid in addition to the monthly assessed rent of \$70, for a total monthly payment of \$120. The respondents were responsive to this proposal and understood that should they be able to afford more than \$120 in any given month they could make additional payments as they are able, as long as at least \$120 is paid every month towards the rental arrears and rent.

Tenancy agreement

Residential tenancy agreements entered into evidence by the applicant establish a subsidized public housing tenancy between the parties starting in August 2005 on a monthly basis. The parties 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 *Residential Tenancies Act* (the Act).

Rental arrears

The lease balance statement entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account. The respondents did not dispute the accuracy of the lease balance statement. I am satisfied the lease balance statement accurately represents the current status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$6,562.52.

Based on the testimony provided by both parties, I am satisfied the incorporation of a minimum monthly payment plan into an order for payment is reasonable under the circumstances.

An order will issue requiring the respondents to pay rental arrears in the amount of \$6,562.52 in minimum monthly installments of \$50 starting in December 2014 and each month thereafter until the rental arrears are paid in full, and to pay their future rent on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Landlord's requests dated July 31, 2014
- Exhibit 2: Residential tenancy agreements dated: August 5, 2005; April 1, 2006; March 28, 2007; April 1, 2008; April 1, 2009; April 1, 2010; April 1, 2011; March 27, 2012; March 20, 2013; and April 1, 2014
- Exhibit 3: Ledger cards rent arrears chart from August 2005 to July 2014
- Exhibit 4: Lease balance statement dated August 13, 2014
- Exhibit 5: Tenant ledger cards for rent from September 12, 2005, to March 27, 2013
- Exhibit 6: Applicant's notice of termination - Residential Tenancy Act s. 54(1) correspondence to respondent Joe V. Catholique dated May 1, 2008
- Exhibit 7: Applicant's outstanding rental arrears correspondences to respondents dated: February 29, 2008; March 19, 2008; November 2, 2011; May 29, 2014; June 9, 2014; July 9, 2014
- Exhibit 8: Applicant's correspondence to respondents dated August 1, 2012
- Exhibit 9: Applicant's update income information correspondence dated February 19, 2013
- Exhibit 10: Lease balance statement dated November 18, 2014