

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **John Mandeville**, 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 town of Hay River in the Northwest Territories**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

JOHN MANDEVILLE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$786.75 (seven hundred eighty six dollars seventy five cents) by March 31, 2015.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 19th day of December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hay River Housing Authority**, Applicant, and **John Mandeville**, 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-

JOHN MANDEVILLE

Respondent/Tenant

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 John Mandeville, respondent
<u>Date of Decision:</u>	November 20, 2014

REASONS FOR DECISION

An application to a rental officer made by Hay River Housing Authority as applicant/landlord against John Mandeville as respondent/tenant was filed by the Rental Office October 20, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 16 Stewart Drive in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent October 21, 2014.

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

A hearing was held on November 20, 2014, in Hay River, Northwest Territories. Mr. Adam Swanson appeared representing the applicant. Mr. John Mandeville appeared as respondent.

Mr. Swanson testified Mr. Mandeville has been a tenant in subsidized public housing since April 2009. Mr. Mandeville has a history throughout his tenancy of paying his rent late and of insufficient amounts to cover the monthly rent and rental arrears. At the time of filing this application, Mr. Mandeville's rental arrears had accumulated to \$3,051.75; this amount includes the maximum monthly rent for October 2014 due to household income not having been reported yet. Since then, Mr. Mandeville has reported his household income and made a substantive payment against his account, reducing his rental arrears to date to \$786.75. In recognition of Mr. Mandeville's positive efforts to resolve his account, Mr. Swanson withdrew the applicant's request for termination of the tenancy agreement and eviction, requesting only an order for payment of the rental arrears and that future rent be paid on time. He further requested a deadline by which the rental arrears should be paid in full.

Mr. Mandeville did not dispute the rental arrears claimed. He indicated he is working and should be able to have his rental arrears paid in full within a fairly short period of time along with paying his monthly rent on time.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant establishes a subsidized public housing tenancy agreement between the parties starting April 1, 2009. 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 client aged detail 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 respondent did not dispute the accuracy of the client aged detail. I am satisfied the client aged detail accurately reflects the status of the respondent's rent account as of November 20, 2014. I find the respondent has accumulated rental arrears in the amount of \$786.75.

Considering the respondent's pattern of behaviour respecting the frequency of historical payments against his rent account, setting a due date against which the respondent must have his rental arrears paid may provide motivation for the respondent to comply with his obligation to pay his rent on time, as well as pay his rental arrears. The due date is a benchmark from which the respondent can be reminded that there are more serious consequences available to the applicant should the respondent continue failing to comply with his obligation to pay rent when it is due.

An order will issue requiring Mr. John Mandeville to pay rental arrears in the amount of \$786.75 by March 31, 2015, and to pay his rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's statement of facts
- Exhibit 2: Residential tenancy agreement indeterminate dated April 1, 2009
- Exhibit 3: Applicant's correspondence to respondent dated October 9, 2014
- Exhibit 4: Applicant's overdue account correspondences to respondent dated: January 18, 2012; March 21, 2012; August 21, 2012; October 16, 2012; November 16, 2012; February 13, 2013; March 13, 2013; April 19, 2013; May 15, 2013; June 20, 2013; September 10, 2013; October 8, 2013; November 12, 2013; November 25, 2013; December 11, 2013; April 9, 2014; April 22, 2014; May 8, 2014; May 21, 2014; June 9, 2014; June 24, 2014; July 8, 2014; August 12, 2014; August 25, 2014; September 8, 2014; September 22, 2014; October 8, 2014
- Exhibit 5: Respondent's agreement to pay rental arrears dated March 20, 2014
- Exhibit 6: Applicant's statements dated: October 14, 2014; January 17, 2012; February 21, 2012; March 21, 2012; June 18, 2012; July 23, 2012; August 21, 2012; September 17, 2012; October 21, 2013; January 6, 2014; January 20, 2014; February 10, 2014; February 24, 2014; March 7, 2014; March 24, 2014
- Exhibit 7: Applicant's outstanding rental arrears correspondences to respondent dated: August 13, 2013; August 23, 2013; September 24, 2013
- Exhibit 8: Respondent's arrears payment agreement (promissory note) dated January 22, 2013
- Exhibit 9: Applicant's rental arrears correspondence to respondent dated January 18, 2012
- Exhibit 10: Applicant's account arrears correspondences to respondent dated: September 17, 2012; December 12, 2012
- Exhibit 11: Client aged detail as at October 14, 2014
- Exhibit 12: Applicant's notice of termination of tenancy dated October 14, 2014
- Exhibit 13: Applicant's statements dated: October 22, 2014; November 10, 2014; November 17, 2014
- Exhibit 14: Client aged details as at October 14, 2014, and November 17, 2014
- Exhibit 15: Karen Lafferty's statutory declaration dated November 14, 2014