

IN THE MATTER between **Ulukhaktok Housing Association**, Applicant, and **Delma Ann Klengenberg**, 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 hamlet of Ulukhaktok in the Northwest Territories**.

BETWEEN:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

- and -

DELMA ANN KLENGENBERG

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 \$13,011.43 (thirteen thousand eleven dollars forty-three cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.
3. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent must comply with her obligation to report household income in accordance with section 6 of her tenancy agreement.

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 **Ulukhaktok Housing Association**, Applicant, and **Delma Ann Klengenberg**, 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:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

-and-

DELMA ANN KLENGENBERG

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 25, 2014
<u>Place of the Hearing:</u>	Ulukhaktok, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Sheila Nasogaluak, representing the applicant Sadie Joss, representing the applicant
<u>Date of Decision:</u>	November 25, 2014

REASONS FOR DECISION

An application to a rental officer made by Ulukhaktok Housing Association as the applicant/landlord against Delma Ann Klengenberg as the respondent/tenant was filed by the Rental Office August 8, 2013. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 032 in Ulukhaktok, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for March 20, 2014. There was no explanation given for why service of the application was delayed, however, given the continuation of the tenancy and arrears alleged extension to the time for service of the application was permitted.

The applicant alleged in the application the respondent had accumulated rental arrears and failed to report household income in accordance with their tenancy agreement. The applicant 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 originally scheduled for June 18, 2014, in Ulukhaktok, Northwest Territories. On that day, the presiding rental officer adjourned the hearing *sine die* due to there being no confirmed service of the notice of attendance on the respondent and learning the respondent was in hospital. Rescheduling of the hearing was to be made upon notice by the applicant of the respondent's return to the community.

On October 22, 2014, the applicant advised the rental officer the respondent had returned to the community and they were prepared to proceed with the hearing. A hearing was rescheduled for November 25, 2014, in Ulukhaktok, Northwest Territories. Ms. Sheila Nasogaluak and Ms. Sadie Joss appeared representing the applicant. Ms. Delma Ann Klengenberg was served a notice of attendance by registered mail signed for November 4, 2014. Ms. Klengenberg did not appear, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Nasogaluak testified Ms. Klengenberg has been a tenant in subsidized public housing since April 2008. She began accumulating rental arrears in June 2008. The payments Ms. Klengenberg have made throughout the years have been sporadic and of insufficient amount to cover either the full month's rent or the rental arrears. Further, the respondent has been repeatedly late reporting

her household income, resulting in multiple subsequent re-assessments for rent subsidies to be applied against her account. She is currently up to date with her household reporting; all months have been assessed a subsidy based on reported household income except for November 2014, for which the maximum monthly rent has been applied. Ms. Klengenberg currently has rental arrears in the amount of \$13,011.43.

Ms. Nasogaluak reiterated the applicant's request for an order for payment of rental arrears and that future rent be paid on time.

Tenancy agreement

The applicant's testimony, the tenant ledger cards, and the residential tenancy agreement entered into evidence by the applicant establish a tenancy agreement has been in place between the parties for subsidized public housing since April 2008. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears and reporting of household income

The tenant ledger cards entered into evidence by the applicant represent the landlord's accounting of monthly assessed rent and payments made against the respondent's rent account. I am satisfied the tenant ledger cards accurately reflect the current status of the respondent's rent account. I find the respondent has accumulated rental arrears in the amount of \$13,011.43.

The tenant ledger cards further support the applicant's testimony that the respondent has been repeatedly late reporting her household income in accordance with section 6 of the tenancy agreement. Section 6 of the tenancy agreement requires a tenant to report total household income as often and whenever requested by the landlord. The applicant testified the household income reports were requested and expected every month since commencement of the tenancy. I am satisfied the respondent has failed to comply with their obligation to report household income when requested.

An order will issue requiring Ms. Delma Ann Klengenberg to pay rental arrears in the amount of \$13,011.43, to pay her future rent on time, and to comply with her obligation to report her household income in accordance with section 6 of her tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Tenant ledger cards for rent from April 1, 2008, to April 30, 2013

Exhibit 2: Residential tenancy agreement fixed term lease dated May 12, 2011

Exhibit 3: Agreement to pay \$600 biweekly starting November 24, 2011, towards acknowledged rental arrears of \$14,305 signed by respondent November 29, 2011

Exhibit 4: Tenant ledger cards for rent from April 30, 2013, to June 11, 2014

Exhibit 5: Applicant's outstanding amount owing correspondence to respondent dated June 2, 2014

Exhibit 6: Applicant's outstanding rental arrears correspondences to respondent dated: September 10, 2014; October 2, 2014

Exhibit 7: Tenant ledger card for rent from March 31 to November 7, 2014