

IN THE MATTER between **Ulukhaktok Housing Association**, Applicant, and **Cora Joss**, 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 -

CORA JOSS

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 \$1,080.00 (one thousand eighty dollars).
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.

4. Pursuant to sections 41(4)(a), 45(4)(e), and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 091 in Ulukhaktok, Northwest Territories, will terminate March 31, 2015, unless the monthly rents for December 2014 to March 2015 are paid on time and the household income is reported to the applicant for the months of November 2014 to March 2015.

DATED at the City of Yellowknife in the Northwest Territories this 5th day of December 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Ulukhaktok Housing Association**, Applicant, and **Cora Joss**, 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-

CORA JOSS

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 Cora Joss as the respondent/tenant was filed by the Rental Office August 19, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 091 in Ulukhaktok, Northwest Territories. The applicant personally served a copy of the filed application on the respondent September 9, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and sought an order for payment of rental arrears and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for November 25, 2014, in Ulukhaktok, Northwest Territories. Ms. Sheila Nasogaluak and Ms. Sadie Joss appeared representing the applicant. Ms. Cora Joss was served a notice of attendance by registered mail signed for November 4, 2014. Ms. Cora Joss did not appear at hearing 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).

The applicant testified the respondent has been a tenant in subsidized public housing since September 2006. She began accumulating rental arrears in October 2008 and repeatedly failed to report household income in accordance with her tenancy agreement. In June 2014 a rental officer ordered the respondent to pay rental arrears in the amount of \$11,002.09, to pay her rent on time in the future, to report household income as required, and to comply with her obligation to pay for utilities. That rental officer order number 20-13668 was filed in the Rental Office August 13, 2014.

On August 22, 2014, the respondent entered into an agreement to pay \$142 per month towards her rental arrears in addition to her monthly rent, starting on September 8, 2014. On the same day she signed the agreement to pay she made the only payment to date of \$200 and reported her household income for the months of June, July, and August 2014. She did attend the office again on November 7th to report additional household income for the months of May to November 2014. Ms. Sadie Joss spoke with Ms. Cora Joss the week of November 17th and no mention was made by Ms. Cora Joss of her intentions regarding making payments for her rent and arrears.

The monthly rent subsidies up to and including November 2014 were re-assessed based on the newly reported income information resulting in a recalculation of the current total accumulated rental arrears to \$12,082.09. The applicants reiterated their request for an order for payment of rental arrears. They withdrew their request for an eviction order, requesting instead a conditional termination order.

Tenancy agreement

The residential tenancy agreement made between the parties was entered into evidence, reflecting a monthly tenancy starting April 1, 2012. The applicant's testimony, entries on the tenant ledger cards, and rental officer order number 20-13668 establish the tenancy has been continuous since September 2006. Section 7 of the residential tenancy agreement establishes the agreement as being for subsidized public housing. 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 reporting of household income

Section 6 of the residential tenancy agreement specifies the tenant must report their total household income as often and whenever required by the landlord. The applicant's testimony and correspondence presented into evidence, as well as indications in rental officer order number 20-13668, establish the household income was required to be reported monthly and the respondent was aware of this obligation.

The tenant ledger cards entered into evidence represent the landlord's accounting of monthly rent, assessed subsidies, and payments received on the respondent's rent account. I am satisfied the respondent's rent account is accurately represented in the tenant ledger cards.

The tenant ledger cards corroborate the applicant's testimony that the respondent has failed to report her household income as required. They also corroborate the applicant's testimony that the respondent has failed to make any payments against her rent account since August 2014. I find the respondent has failed to comply her obligations and with rental officer order number 20-13668 by failing to pay rental arrears, failing to pay her rent on time, and failing to report her household income as required.

The rental arrears accumulated since rental officer order number 20-13668 was made can be represented by subtracting the amount then ordered of \$11,002.09 from the current total accumulated rental arrears reflected in the tenant ledger cards of \$12,082.09. I find the respondent has additional accumulated rental arrears in the amount of \$1,080.

Termination of the tenancy agreement

In consideration of the respondent's blatant disregard of her obligations as a tenant to pay her rent and report her income, I find definite justification for termination of this tenancy. However, in the spirit of permitting the respondent an opportunity to resolve these issues I will honour the applicant's request for a conditional termination order.

An order will issue requiring Ms. Cora Joss to pay rental arrears in the amount of \$1,080, to pay her rent on time in the future, to report her household income as required, and terminating her tenancy agreement March 31, 2015, unless the monthly rents for December 2014 to March 2015 are paid on time and her household income for the months of November 2014 to March 2015 are reported to the applicant.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement indeterminate lease dated April 1, 2012
- Exhibit 2: Applicant's correspondence to respondent dated February 17, 2011
- Exhibit 3: Agreement to pay \$68 per month towards rental arrears starting May 2011 dated May 4, 2011
- Exhibit 4: Applicant's public housing rental subsidy and rent payments correspondence to respondent dated August 23, 2011
- Exhibit 5: Photocopy of notes and Northern and NTPC receipts
- Exhibit 6: Applicant's NWTPC - non payment of power correspondence to respondent dated June 30, 2014
- Exhibit 7: Applicant's rental officer hearing correspondence to respondent dated June 30, 2014
- Exhibit 8: Tenant ledger cards for rent from March 2006 to August 2014
- Exhibit 9: Agreement to pay \$142 per month towards rental arrears starting September 2014 signed by the respondent August 22, 2014
- Exhibit 10: Applicant's outstanding rental arrears correspondences to respondent dated: September 8 and September 24, 2014
- Exhibit 11: Applicant's outstanding amount owing - 3rd notice (45 days) correspondence to respondent dated October 2, 2014
- Exhibit 12: Tenant ledger cards for rent from April 2014 to November 2014