

IN THE MATTER between **Ulukhaktok Housing Association**, Applicant, and **Isaac Inuktalik and Laura Inuktalik**, 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 hamlet of Ulukhaktok in the Northwest Territories**.

BETWEEN:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

- and -

ISAAC INUKTALIK and LAURA INUKTALIK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$15,969.00 (fifteen thousand nine hundred sixty-nine dollars).
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 section 45(4)(a) of the *Residential Tenancies Act*, the respondents must comply with their obligation to report household income in accordance with section 6 of their tenancy agreement.

4. Pursuant to sections 41(4)(c), 45(4)(e), and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 074 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 for the months of October 2014 to March 2015 are reported to the applicant.

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 **Isaac Inuktalik and Laura Inuktalik**, 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:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

-and-

ISAAC INUKTALIK and LAURA INUKTALIK

Respondents/Tenants

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 Isaac Inuktalik 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 between the applicant and Isaac Inuktalik and Laura Inuktalik for the rental premises known as Unit 074 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. Mr. Isaac Inuktalik was served a notice of attendance by registered mail signed for October 31, 2014. Mr. Inuktalik did not appear at hearing nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant testified at hearing that Ms. Laura Inuktalik was erroneously omitted from the application to a rental officer as a respondent/tenant. Ms. Joss confirmed under oath that she personally spoke with Ms. Inuktalik in October 2014 when Ms. Inuktalik attended the office; at that time Ms. Inuktalik admitted to Ms. Joss that she was aware of the application to a rental officer and what it meant. Ms. Joss also confirmed that Mr. Inuktalik and Ms. Inuktalik are living together in the rental premises and that Ms. Inuktalik is just as aware of this scheduled hearing as Mr. Inuktalik is. Being satisfied that both Isaac Inuktalik and Laura Inuktalik are both fully aware of the application that has been filed with respect to their joint tenancy agreement and their opportunity to speak to the matter at this hearing, the applicant's request to amend the application to include both Mr. Inuktalik and Ms. Inuktalik as named respondents was granted. The style of cause in this matter will reflect going forward Ulukhaktok Housing Association v. Isaac Inuktalik and Laura Inuktalik.

The applicant testified the respondents have been tenants in subsidized public housing since May 2011. In May 2012 a rental officer ordered the respondents to pay rental arrears in the amount of \$30,137, to comply with their obligation to report household income, and to pay their rent on time in the future (order number 20-12800).

The respondents did not report their household income for the months of May 2012 to September 2014 until September 9, 2014, apparently in direct response to receipt of the current application to a rental officer. The subsidies for which the respondents are eligible based on reported household income were re-assessed for those months and applied to the rent account. Household income remains outstanding for the months of October and November 2014. The respondents have made no actual payments against their rent account since August 2012. The current total rental arrears have accumulated to \$46,106.

Stemming from the last communication the applicant had with the respondents, the applicant withdrew their request for eviction. The applicant restated their request for an order for payment of rental arrears and further requested an order for conditional termination of the tenancy for March 31, 2015.

Tenancy agreement

The residential tenancy agreement entered into evidence was made between the parties starting May 3, 2011. Section 7 of the tenancy agreement identifies the agreement as one for subsidized public housing. Schedule A of the tenancy agreement identifies the assigned rental premises as Unit 074 in Ulukhaktok, Northwest Territories. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the Act.

Rental arrears and reporting of household income

Section 6 of the tenancy agreement requires the tenant to report household income as often and whenever requested by the landlord. The applicant testified and provided copies of correspondence confirming the household income was expected to be reported monthly.

The tenant ledger cards submitted into evidence represent the landlord's accounting of monthly rent, assessed subsidies, and payments received against the respondents' rent account. I am satisfied the accounting reflected in the tenant ledger cards is accurate.

The tenant ledger cards corroborate the applicant's testimony that the respondents have failed to make any payments against their rent account since August 2012 and have thus accumulated rental arrears. The tenant ledger cards also corroborate the applicant's testimony that the respondents have failed to report their household income in accordance with section 6 of the tenancy agreement. Although the applicant has been able to enter adjustments to the rent account as a result of the late reporting of household income for the months of May 2012 to September 2014, those adjustments have not reduced the accumulated rental arrears substantially. Further, the household income has not been reported for the months of October and November 2014 resulting in the application of the maximum monthly rent for those two months. I find the respondents do have current total accumulated rental arrears in the amount of \$46,106.

Rental officer order number 20-12800 remains in effect and unsatisfied, ordering the payment of rental arrears in the amount of \$30,137. That order has not yet been enforced and remains enforceable. By deducting the amount of \$30,137 from the current total accumulated rental arrears, I find the respondents have accumulated rental arrears since May 2012 in the amount of \$15,969.

Termination of the tenancy agreement

In consideration of the extent of rental arrears and the respondents blatant failure to either report household income or make any payments towards their rental arrears, I find certain justification to terminate the tenancy agreement. However, in respect of the applicant's generous request I will grant a conditional termination order thereby granting the respondents an opportunity to resolve the issues at hand.

An order will issue requiring Mr. Isaac Inuktalik and Ms. Laura Inuktalik to pay rental arrears in the amount of \$15,969; to pay their rent on time in the future; to comply with their obligation to report household income in accordance with section 6 of their tenancy agreement; and terminating the tenancy agreement on 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 October 2014 to March 2015.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement applicant and Isaac Inuktalik and Laura Inuktalik dated May 10, 2011
- Exhibit 2: Applicant's tenant relations board meeting correspondence to Laura Inuktalik dated July 9, 2007
- Exhibit 3: Applicant's outstanding rental/tenant damage arrears correspondences to respondent dated: January 14, 2008; March 14, 2008; April 25, 2008; August 12, 2008; September 18, 2008; January 21, 2009; October 15, 2009; February 26, 2010; March 25, 2010;
- Exhibit 4: Applicant's final notice before legal action correspondence to Isaac and Laura Inuktalik dated May 13, 2008
- Exhibit 5: Applicant's outstanding rental/tenant damage arrears correspondences to Isaac and Laura Inuktalik dated: July 17, 2008; October 16, 2008; December 18, 2008;
- Exhibit 6: Applicant's final notice before legal action correspondences to respondent dated: February 20, 2009; January 21, 2010; May 19, 2010; June 24, 2010; August 23, 2010;
- Exhibit 7: Applicant's tenant rent payments correspondence to respondent dated August 23, 2011
- Exhibit 8: Applicant's NWTPC - non payment of power correspondence to respondent dated June 30, 2014
- Exhibit 9: Applicant's no subsidy done, no payment made, arrears building up correspondence dated August 6, 2014
- Exhibit 10: Tenant ledger cards for rent from March 2006 to August 2014
- Exhibit 11: Applicant's correspondence to respondent dated September 24, 2014
- Exhibit 12: Tenant ledger cards for rent from April to November 2014