

IN THE MATTER between **Fort Liard Social Housing**, Applicant, and **Loretta Kotchea and Donny Bertrand**, 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 Fort Liard in the Northwest Territories**.

BETWEEN:

FORT LIARD SOCIAL HOUSING

Applicant/Landlord

- and -

LORETTA KOTCHEA and DONNY BERTRAND

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 \$8,934.00 (eight thousand nine hundred thirty-four dollars) in minimum monthly installments of \$250.00 (two hundred fifty dollars) starting in January 2015 and 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.

3. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondents must comply with their obligation to report total household income in accordance with section 6 of their tenancy agreement.

DATED at the City of Yellowknife in the Northwest Territories this 9th day of January 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Liard Social Housing**, Applicant, and **Loretta Kotchea and Donny Bertrand**, 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:

FORT LIARD SOCIAL HOUSING

Applicant/Landlord

-and-

LORETTA KOTCHEA and DONNY BERTRAND

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 18, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Ellen McLeod, representing the applicant Loretta Kotchea, respondent Donny Bertrand, respondent
<u>Date of Decision:</u>	December 18, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Liard Social Housing as the applicant/landlord against Loretta Kotchea and Donny Bertrand as the respondents/tenants was filed by the Rental Office September 8, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as #819, 1 Willow Road, Lot 1, LTO 173, in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for September 29, 2014.

The applicant alleged the respondents had accumulated rental arrears and failed to comply with their obligation to report household income when requested. The applicant sought an order for payment of rental arrears, that future rent be paid on time, that household income be reported as required, and terminating the tenancy agreement. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for November 19, 2014, in Fort Liard. The parties were notified and on November 17, 2014, it was mutually agreed by all parties to postpone the hearing to December 18, 2014. Ms. Ellen McLeod appeared representing the applicant. Ms. Loretta Kotchea and Mr. Donny Bertrand appeared as respondents.

Ms. McLeod testified the respondents are tenants in subsidized public housing. They have accumulated rental arrears throughout their tenancy and have repeatedly failed to report their household income in accordance with section 6 of their tenancy agreement. Their current rental arrears have accumulated to \$8,934, which includes the application of the maximum monthly rent of \$1,545 for December 2014 due to the respondents household income for November not yet being reported.

Ms. McLeod stated the respondents are required to report their household income monthly, they are aware of this obligation, and yet Ms. McLeod is forced to repeatedly pursue the respondents to submit their reports. Ms. McLeod emphasized rent subsidies cannot be assessed until the household income is reported.

Ms. McLeod confirmed that, aside from August and September 2014, the respondents have been consistently making monthly payments towards their rent account, however, those payments have been of insufficient amounts to cover the monthly assessed rent and accumulated rental arrears. She indicated if the respondents could commit to payments in addition to their monthly assessed rent to consistently reduce their rental arrears the applicant would be prepared to withdraw their request terminate the tenancy.

The respondents did not dispute the amount of rental arrears claimed or that they have historically been late reporting their income. The respondents stated Ms. Kotchea has no income other than a \$60 per month child tax credit, which goes directly to their child, and that Mr. Bertrand is employed. Mr. Bertrand's income is dependent on the hours that are available for him to work and as such alternates between what one might call part-time and full-time work. Mr. Bertrand did indicate that he would speak with his employer about making payments on his behalf to the applicant to be taken directly from his paycheques. The respondents understood their obligation to report their monthly income on time and that the amount of their monthly rent would fluctuate depending on the amount of their income. They agreed that based on the maximum monthly rent of \$1,545 they could afford to pay an additional \$250 per month towards their accumulated rental arrears.

Tenancy agreement

The testimony of the parties and the residential tenancy agreement entered into evidence establish a tenancy for subsidized public housing between the parties for the rental premises known as #819, 1 Willow Road, Lot 1, LTO 173, in Fort Liard, Northwest Territories. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears and reporting of household income

Section 6 of the tenancy agreement specifies a tenant's obligation to report total household income whenever and as often as requested by the landlord. Several notices reminding the respondents of their obligation to report their total household income monthly were entered into evidence. The respondents did not dispute that they have been repeatedly late reporting their total household income and acknowledged their income report for November 2014 remained outstanding. I find the respondents have failed to comply with their obligation to report total household income in accordance with their tenancy agreement.

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rent and payments received against the respondents' rent account. The respondents did not dispute the accuracy of the accounting and acknowledged the amount of rental arrears claimed. I am satisfied the lease balance statement accurately represents the current status of the respondents' rent account and I find the respondents have accumulated rental arrears in the amount of \$8,934.

The parties were in agreement to the incorporation of a payment plan into an order for payment of rental arrears, which I find appropriate under the circumstances. An order will issue requiring the respondents to pay rental arrears in the amount of \$8,934 in minimum monthly installments of \$250 starting in January 2015, to pay their rent on time in the future, and to comply with their obligation to report total household income in accordance with their tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's to all tenants of Fort Liard Social Housing correspondence to respondents dated January 3, 2014
- Exhibit 2: Applicant's rental arrears correspondence to respondents dated January 6, 2014
- Exhibit 3: Applicant's important notice card to respondents dated January 6, 2014
- Exhibit 4: Applicant's rent payment and arrears payment - 2014 correspondence to respondents dated January 24, 2014
- Exhibit 5: Applicant's rent payment and arrears payment correspondence to respondents dated March 4, 2014
- Exhibit 6: Applicant's important notice card to respondents dated April 2, 2014
- Exhibit 7: Applicant's rent payment and arrears payment correspondence to respondents dated May 23, 2014
- Exhibit 8: Applicant's rent payment and arrears payment correspondence to respondents dated May 29, 2014
- Exhibit 9: Arrears payment agreement (promissory note) made by the respondents on May 30, 2014
- Exhibit 10: Applicant's rent payment and arrears payment correspondence to respondents dated June 30, 2014
- Exhibit 11: Applicant's rent payment and arrears payment correspondence to respondents dated July 16, 2014
- Exhibit 12: Applicant's lease renewal - fixed term lease correspondence to respondents dated August 15, 2014
- Exhibit 13: Applicant's rent payment and arrears payment correspondence to respondents dated August 22, 2014
- Exhibit 14: Lease balance statement dated August 22, 2014
- Exhibit 15: Residential tenancy agreement fixed term lease dated April 1, 2014
- Exhibit 16: Lease balance statement dated December 17, 2014