

IN THE MATTER between **Lutselk'e Housing Authority**, Applicant, and **John Catholique**, 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, regarding a rental premises located within the **community of Lutselk'e in the Northwest Territories**.

BETWEEN:

**LUTSELK'E HOUSING AUTHORITY**

Applicant/Landlord

- and -

**JOHN CATHOLIQUE**

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 \$1,657.60 (one thousand six hundred fifty-seven dollars sixty cents).
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 9th day of January 2015.

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Adelle Guigon  
Deputy Rental Officer

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BETWEEN:

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-and-

**JOHN CATHOLIQUE**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>November 26, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Lutselk'e, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Michael Keohane, representing the applicant Melissa Catholique, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>November 26, 2014</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Lutselk'e Housing Authority as the applicant/landlord against John Catholique as the respondent/tenant was filed by the Rental Office September 10, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 2 in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for September 26, 2014.

The applicant alleged in the application the respondent had accumulated rental arrears and 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 scheduled for November 26, 2014, in Lutselk'e, Northwest Territories. Mr. Michael Keohane and Ms. Melissa Catholique appeared representing the applicant. Mr. John Catholique was served a notice of attendance by registered mail signed for November 10, 2014. Ms. Catholique confirmed speaking with Mr. Catholique this morning and reminding him of the hearing, to which she received a positive acknowledgement. Mr. Catholique did not appear at hearing nor did anyone appear to represent him. The hearing proceeded in his absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Keohane testified Mr. Catholique has been a tenant in subsidized public housing since April 2006. Mr. Catholique is recognized as a respected elder within the community. All monthly rents have been assessed a subsidy based on reported household income. No payments have ever been received against Mr. Catholique's rent account. The current accumulated rental arrears are \$1,657.60.

Mr. Keohane mentioned Mr. Catholique has taken very good care of the rental premises and there have been no problems between the parties aside from the rent not being paid. Mr. Catholique was described as being a very nice man, and the applicant was surprised he did not appear at hearing.

*Tenancy agreement*

The residential tenancy agreements entered into evidence by the applicant establish a tenancy for subsidized public housing between the parties starting in April 2006. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

*Rental arrears*

The tenant ledger cards and lease balance statements entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments made against the respondent's rent account. It appears there was a lengthy period for which the respondent's monthly rent was assessed at zero dollars based on reported household income. Starting in September 2012, the monthly rent was assessed at \$35, and starting in July 2013, the monthly rent was assessed at \$70. There have been no payments recorded against the respondent's rent account. I am satisfied the tenant ledger cards and lease balance statements accurately reflect the current status of the respondent's rent account. I find the respondent has accumulated rental arrears in the amount of \$1,657.60.

An order will issue requiring Mr. John Catholique to pay rental arrears in the amount of \$1,657.60 and to pay his rent on time in the future.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Landlord's requests dated July 31, 2014

Exhibit 2: Residential tenancy agreements dated: April 1, 2006; March 28, 2007; April 1, 2008; April 1, 2009; April 1, 2010; April 1, 2011; March 27, 2012; March 20, 2013; and April 1, 2014

Exhibit 3: Ledger cards - rent arrears chart for April 2006 to July 2014

Exhibit 4: Lease balance statement dated August 15, 2014

Exhibit 5: Tenant ledger cards for rent from April 27, 2006, to March 4, 2013

Exhibit 6: Applicant's outstanding rental arrears correspondences to respondent dated: November 2, 2011; December 14, 2011; April 23, 2014; May 29, 2014

Exhibit 7: Applicant's correspondence dated October 21, 2011

Exhibit 8: Applicant's update income information correspondence dated February 19, 2013

Exhibit 9: Lease balance statement dated November 18, 2014