

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

BETWEEN:

LUTSELK'E HOUSING AUTHORITY

Applicant/Landlord

- and -

ERNEST BOUCHER and DAMIEN KAILEK

Respondent/Tenant

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 \$6,431.00 (six thousand four hundred thirty-one dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

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 **Lutselk’e Housing Authority**, Applicant, and **Ernest Boucher and Damien Kailek**, 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:

LUTSELK’E HOUSING AUTHORITY

Applicant/Landlord

-and-

ERNEST BOUCHER and DAMIEN KAILEK

Respondents/Tenants

REASONS FOR DECISION

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

REASONS FOR DECISION

An application to a rental officer made by Lutselk'e Housing Authority as the applicant/landlord against Ernest Boucher and Damien Kailek as the respondents/tenants 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 0022B in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for September 26, 2014.

The applicant alleged in the application the respondents 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. Ernest Boucher appeared as respondent. Mr. Damien Kailek was sent a notice of attendance by registered mail signed for November 10, 2014. Mr. Kailek did not appear at hearing. The hearing proceeded in Mr. Kailek's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act). Mr. Kailek did arrive after the decision was rendered and informed at that time of the orders and his shared responsibility to comply.

Mr. Kailek's last name was noted to be spelled incorrectly on the application. It was amended at hearing and the style of cause throughout these order and reasons reflects the correct spelling.

Mr. Keohane testified the respondents have been joint tenants in subsidized public housing since April 1, 2012. No payments have been made against this rent account. Mr. Boucher is recognized as a respected elder within the community; Mr. Kailek is Mr. Boucher's grandson. All monthly rents have been assessed a subsidy based on reported household income: those months for which Mr. Kailek was either not residing in the premises or was not employed the rent was assessed based on Mr. Boucher's income alone at \$70; those months for which Mr. Kailek was residing in the premises and his income was reported along with Mr. Boucher's income the rent was assessed at \$325. The current accumulated rental arrears are \$6,431.

Mr. Keohane wished to impress upon Mr. Boucher the importance of making at least his own share of the rent payments in order to ensure his obligations as a tenant were met. Prior to the current joint tenancy with his grandson, Mr. Boucher was in a joint tenancy agreement with his late wife; no payments were made against that rent account either. Mr. Keohane expressed no desire to terminate the tenancy, seeking only an order for payment of rental arrears and that future rent be paid on time.

Mr. Boucher did not dispute the amount of rental arrears. He confirmed he is a 74-year-old elder who is not employed, although he has in the past and does occasionally still serve as a ranger. Prior to retiring he worked in the community building houses. In July he was cut off from his income tax payments and has only been receiving \$499 per month since then. He is expecting some income from recent service as a ranger. He has chosen not to seek income assistance as he didn't feel it was necessary; he was encouraged to consider doing so now to facilitate meeting his obligation to pay rent.

Mr. Boucher advised that Mr. Kailek 'comes and goes' at the premises, that he does not always stay there depending on whether or not he's working and where he's working. Mr. Boucher believed Mr. Kailek had obtained full-time employment in Yellowknife and was going to move there this weekend, but also thought he would still be coming back to the premises on occasion.

Mr. Boucher also mentioned issues with the heat to the rental premises, citing a problem that started a few years back and started again yesterday that the house was cold, losing heat, and he was forced to use his stove to warm up. He would be speaking with the local housing representative again about this issue.

Tenancy agreement

The residential tenancy agreements entered into evidence by the applicant establish a subsidized public housing tenancy between the parties starting April 1, 2012, on a monthly basis. Mr. Boucher did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement and tenant ledger cards entered into evidence represent the landlord's accounting of monthly assessed rent and payments made against the respondents' rent account. Mr. Boucher did not dispute the accuracy of the lease balance statement and tenant ledger cards. I am satisfied the lease balance statement accurately reflects the current status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$6,431.

An order will issue requiring Mr. Ernest Boucher and Mr. Damien Kailek to pay rental arrears in the amount of \$6,431 and to pay their rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Landlord's requests

Exhibit 2: Residential tenancy agreements between landlord Lutselk'e Housing Authority and tenants Damien Kailek and Ernest Boucher dated: March 26, 2012; March 20, 2013; April 1, 2014

Exhibit 3: Residential tenancy agreements between landlord Lutselk'e Housing Authority and tenants Ernest Boucher and Emily Kailek dated: April 1, 2009; April 1, 2010

Exhibit 4: Ledger cards - rent arrears chart for April 2009 to July 2014

Exhibit 5: Lease balance statement dated July 15, 2014

Exhibit 6: Statement of account dated July 14, 2014

Exhibit 7: Tenant ledger cards for rent from April 3, 2009, to December 2, 2013

Exhibit 8: Applicant's correspondence dated October 21, 2011

Exhibit 9: Applicant's outstanding rental arrears correspondences to respondent Ernest Boucher dated: November 2, 2011; December 14, 2011;

Exhibit 10: Applicant's correspondence to respondent Damien Kailek dated August 2, 2012

Exhibit 11: Applicant's outstanding rental arrears correspondences to respondents dated: September 25, 2012; May 14, 2013; September 17, 2013; May 23, 2014; July 9, 2014

Exhibit 12: Applicant's update income information correspondence dated February 19, 2013

Exhibit 13: Applicant's correspondence to respondents dated August 28, 2013

Exhibit 14: Lease balance statement dated November 18, 2014