

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Bert Timbre and Freda Berreault**, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

BERT TIMBRE and FREDa BERREAULT

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 \$1,300.00 (one thousand three hundred 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 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Lot 289, Plan 3919, in Fort Liard, Northwest Territories, will terminate February 28, 2015, and the respondents must vacate the rental premises on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 20th day of January 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Bert Timbre and Freda Berreault**, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

BERT TIMBRE and FREDA BERREAUULT

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 20, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Betty Hardisty, representing the applicant
<u>Date of Decision:</u>	January 20, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Bert Timbre and Freda Berreault as the respondents/tenants was filed by the Rental Office November 5, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Lot 289, Plan 3919, in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for November 21, 2014.

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

A hearing was scheduled for January 20, 2015, by teleconference. Ms. Betty Hardisty appeared representing the applicant. Mr. Bert Timbre and Ms. Freda Berreault were served notices of attendance by registered mail deemed served December 26, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Mr. Timbre nor Ms. Berreault appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Ms. Hardisty testified the respondents have been tenants in subsidized public housing since 2010, entering into a Homeownership Entry Level Program (HELP) tenancy agreement in 2011. Throughout the tenancy the respondents have been repeatedly late paying rent and failing to pay the full amount of rent when it is due. In December 2011 rental officer order number 10-12460 was issued requiring the respondents to pay rental arrears and terminating their tenancy agreement December 31, 2011, unless the rental arrears were paid in full; this order was satisfied and the tenancy continued. In November 2013 rental officer order number 10-13648 ordered payment of rental arrears, that future rent be paid on time, and unconditionally terminating the tenancy February 28, 2014. Ms. Hardisty advised the respondents did make substantial payments prior to February 28, 2014, from which the landlord permitted the tenancy to continue. Unfortunately, the respondents continued failing to comply with their obligation to pay the full amount of rent when it was due. Since April 2014 four payments have been received from the respondents. The current rental arrears have accumulated to \$1,300. Ms. Hardisty confirmed the applicant's request for payment of rental arrears and termination of the tenancy agreement.

Tenancy agreement

The residential lease agreement, internal ledger, Ms. Hardisty's testimony, and rental officer order numbers 10-12460 and 10-13648 establish a tenancy agreement for subsidized public housing made between the parties which commenced in November 2010. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears

The internal ledger and lease balance statements entered into evidence by the applicant represent the landlord's accounting of monthly assessed rent and payments received against the respondents' rent account. I am satisfied these statements accurately reflect the status of the respondents' rent account and the respondents' payments made against the rent account. I find the respondents have failed to comply with their obligation to pay the full amount of their rent when it was due, have accumulated rental arrears in the amount of \$1,300, and have failed to comply with rental officer order number 10-13648 which required the respondents to pay their future rent on time.

Termination of the tenancy agreement

Having determined the respondents have repeatedly failed to comply with their obligations, even after having rental officer orders issued against them previously, I find there is justification for terminating the tenancy agreement.

An order will issue requiring Mr. Bert Timbre and Ms. Freda Berreault to pay rental arrears in the amount of \$1,300, to pay their future rent on time, and terminating their tenancy on February 28, 2015.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential lease agreement

Exhibit 2: Applicant's Homeownership Entry Level Program (HELP) correspondence to respondents dated March 11, 2014

Exhibit 3: Lease balance statement dated October 23, 2014

Exhibit 4: Internal ledger to NWT HC dated October 23, 2014

Exhibit 5: Lease balance statement dated January 19, 2015