

IN THE MATTER between **Fort Liard Social Housing**, Applicant, and **Rita Duntra**,
Respondent;

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 -

RITA DUNTRA

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 \$1,367.50 (one thousand three hundred sixty-seven dollars fifty cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.
3. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent must comply with their obligation to report household income in accordance with section 6 of their tenancy agreement.

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 **Fort Liard Social Housing**, Applicant, and **Rita Duntra**,
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.

BETWEEN:

FORT LIARD SOCIAL HOUSING

Applicant/Landlord

-and-

RITA DUNTRA

Respondent/Tenant

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>	Ellen McLeod, representing the applicant
<u>Date of Decision:</u>	January 20, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Liard Social Housing as the applicant/landlord against Rita Duntra and Dolan Klondike as the respondents/tenants was filed by the Rental Office November 10, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 815, 12 Liard Valley Main Street, in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for December 31, 2014.

The applicant alleged the respondents had accumulated rental arrears, failed to pay the full amount of rent when it was due, and failed to report household income as required. An order was sought for payment of rental arrears, reporting of household income, 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. Ms. Ellen McLeod appeared representing the applicant. Ms. Rita Duntra and Mr. Dolan Klondike were served with notices of attendance by registered mail signed for December 31, 2014. Neither Ms. Duntra nor Mr. Klondike appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

A review of the residential tenancy agreement submitted into evidence revealed that Ms. Rita Duntra is the sole tenant to this tenancy agreement; Mr. Dolan Klondike is named in Schedule B to the agreement as an occupant. Ms. Duntra is the sole signator to the tenancy agreement along with the applicant's representative. As such, the naming of Mr. Klondike as a respondent to this application is inappropriate and the style of cause going forward will reflect Ms. Duntra as the sole respondent.

Ms. McLeod testified that Ms. Duntra has been a tenant in subsidized public housing since November 2012. She was informed at the commencement of the tenancy and since that reporting of total household income was required monthly. Throughout the tenancy, Ms. Duntra has repeatedly failed to report her total household income every month and she has failed to pay the full amount of rent due each month. Since receiving the application to a rental officer, Ms. Duntra has submitted her outstanding reports of household income and has made one payment of \$1,000 to her rent account. Ms. Duntra's current rental arrears are \$1,367.50.

Ms. McLeod indicated she has spoken with Ms. Duntra as recently as yesterday and confirmed with her the requirement to pay her rent on time and report her total household income every month. She also confirmed the hearing details and encouraged her to attend. Ms. Duntra told Ms. McLeod she would start paying her rent and reporting her income every month. As a result, Ms. McLeod withdrew the applicant's request to terminate the tenancy and indicated they would be satisfied with an order for payment of rental arrears, that future rent be paid on time, and that total household income be reported monthly.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a tenancy agreement between the parties for subsidized public housing at #815, 12 Liard Valley Main Street, in Fort Liard, Northwest Territories. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the Act.

Rental arrears and reporting of household income

The lease balance statements entered into evidence reflect the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account. I am satisfied the 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 \$1,367.50.

The lease balance statements and the applicant's testimony further substantiate the claim that the respondent has repeatedly failed to pay the full amount of rent when it is due and has repeatedly failed to report her total household income on a monthly basis. Section 6 of the tenancy agreement specifies the tenant's requirement to report total household income as and when requested by the landlord. The applicant testified to and provided evidence supporting that the landlord has requested since the beginning of the tenancy that total household income be reported every month. I find the respondent has failed to comply with her obligations to pay the full amount of rent when it is due and to report her household income each month.

An order will issue requiring Ms. Rita Duntra to pay rental arrears in the amount of \$1,367.50, to pay her future rent on time, and to report her total household income in accordance with section 6 of her tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's application summary correspondence to rental officer dated October 28, 2014
- Exhibit 2: Residential tenancy agreement indeterminate lease dated November 6, 2012
- Exhibit 3: Lease balance statement dated October 30, 2014
- Exhibit 4: Applicant's rental arrears correspondences to Rita Duntra dated: February 21, 2013; April 29, 2013; May 27, 2013; June 26, 2013; July 19, 2013
- Exhibit 5: Applicant's rent payment and arrears payment correspondences to Rita Duntra and Dolan Klondike dated: August 16, 2013; March 4, 2014; May 29, 2014; June 30, 2014; July 16, 2014; August 16, 2014; October 28, 2014
- Exhibit 6: Applicant's outstanding rental arrears correspondences to Rita Duntra and Dolan Klondike dated: September 11, 2013; October 24, 2013; November 19, 2013; December 2, 2013; January 6, 2014
- Exhibit 7: Lease balance statement dated January 19, 2015