

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Greg Laboucan and Melinda Laboucan**, 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 charter community of Fort Good Hope in the Northwest Territories**.

BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

- and -

**GREG LABOUCAN and MELINDA LABOUCAN**

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 \$7,387.42 (seven thousand three hundred eighty-seven dollars forty-two cents) in minimum monthly installments of \$500.00 (five hundred dollars) starting in January 2015 and each month thereafter until the rental arrears are paid in full.

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

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Greg Laboucan and Melinda Laboucan**, 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-

**GREG LABOUCAN and MELINDA LABOUCAN**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>December 4, 2014</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories, by teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>Loretta Wiley, representing the applicant Philip Bailey, representing the applicant Greg Laboucan, respondent</b>
<b><u>Date of Decision:</u></b>	<b>December 4, 2014</b>

**REASONS FOR DECISION**

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Greg Laboucan and Melinda Laboucan as the respondents/tenants was filed by the Rental Office October 15, 2014. The application was made regarding a former subsidized public housing residential tenancy agreement for the rental premises known as Lot 133, Plan 2940, in Fort Good Hope, Northwest Territories. The applicant served a copy of the filed application on the respondents by registered mail signed for October 30, 2014.

The applicant alleged in the application the former tenants had accumulated rental arrears and sought an order for payment. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for December 4, 2014, by teleconference. Ms. Loretta Wiley and Mr. Philip Bailey appeared representing the applicant. Mr. Greg Laboucan appeared as respondent and representing Ms. Melinda Laboucan, who was unable to attend.

Mr. Bailey testified the respondents were former tenants in subsidized public housing. Their tenancy ended November 30, 2012, at which time the respondents had accumulated rental arrears in the amount of \$14,479. Arrangements were made between the parties at the time to continue making electronic funds transfer (EFT) payments in the amount of \$250 per month against the arrears, most of which have been successful transfers; the December 2012, August 2014, October 2014, and November 2014 transfers were returned with insufficient funds (NSF). The rental arrears have successfully been reduced to currently sit at \$7,387.42. An order was requested for payment of the current rental arrears.

Mr. Bailey explained the applicant did not file an application to a rental officer within the legislated six month period due to internal staffing issues. He acknowledged by itself this was insufficient reason to grant an extension to the time for making an application, but in this case mutual communication continued to be in place after the respondents vacated the rental premises and an agreement for monthly payments was and is being honoured. The applicant is seeking the order at this time to ensure they have met the legal requirements to facilitate enforcement of payment of the rental arrears in the unlikely event the respondents cease making payments.

Mr. Laboucan agreed with the applicant, acknowledging his and Ms. Laboucan's desire to work with the applicant to resolve the rental arrears without conflict. Mr. Laboucan did not dispute the amount of rental arrears claimed. He confirmed they have an ongoing agreement to make monthly payments which have been made electronically, and that the most recent NSF transactions were the result of a bank error. Mr. Laboucan indicated they could in fact afford to pay \$500 per month towards the rental arrears and was not opposed to including a minimum monthly payment plan into the order for payment of the rental arrears. Mr. Laboucan confirmed he understood the applicant's rationale for filing the application for an order and had no issue with how late the application was made.

*Extension of time for making application*

Under the circumstances, I find it is not unfair to either party to grant an extension to the time for making an application to a rental officer and do so grant the extension.

*Tenancy agreement*

The residential lease agreement entered into evidence by the applicant establishes a residential tenancy agreement for subsidized public housing entered into between the parties starting April 1, 2005. Testimony was given and the parties agreed the tenancy ended November 30, 2012. There was no dispute as to the validity of the tenancy agreement that was in place. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the *Residential Tenancies Act*, and that the tenancy ended November 30, 2012.

*Rental arrears*

The lease balance statement entered into evidence by the applicant represents the landlord's accounting of monthly assessed rent and payments received against the respondents' rent account. The respondent did not dispute the accuracy of the accounting reflected in the statement. I find the respondents have current accumulated rental arrears in the amount of \$7,387.42.

The parties agreed a payment plan was entered into when the respondents' vacated the rental premises to continue making monthly payments towards the rental arrears in the amount of \$250. By and large, this payment plan was honoured. The respondent has offered to double the amount of the monthly payments and was not opposed to the inclusion of a payment plan into an order for payment of rental arrears. I find it appropriate in the circumstances to include a minimum monthly payment plan of \$500 in an order for payment of rental arrears.

An order will issue requiring Mr. Greg Laboucan and Ms. Melinda Laboucan to pay rental arrears in the amount of \$7,387.42 in minimum monthly installments of \$500 starting in January 2015 and each month thereafter until the rental arrears are paid in full.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement dated September 23, 2014

Exhibit 2: Residential lease agreement

Exhibit 3: Statement of account as of March 31, 2012

Exhibit 4: Lease balance statement dated July 21, 2014

Exhibit 5: Lease balance statement dated December 3, 2014