

IN THE MATTER between **Fort Providence Housing Association**, Applicant, and
Sheila Landry, 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 Providence in the Northwest
Territories**.

BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

- and -

SHEILA LANDRY

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 \$2,325.56 (two thousand three hundred twenty-five dollars fifty-six cents).

DATED at the City of Yellowknife in the Northwest Territories this 4th day of February
2015.

Adelle Guigon
Deputy Rental Officer

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-and-

SHEILA LANDRY

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 4, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Alphonsine Gargan, representing the applicant
<u>Date of Decision:</u>	February 4, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Providence Housing Association as the applicant/landlord against Sheila Landry as the respondent/tenant was filed by the Rental Office December 18, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 42, Lot 115, in Fort Providence, Northwest Territories. The applicant served a copy of the filed application on the respondent by facsimile on January 5, 2015.

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

A hearing was scheduled for February 4, 2015, by teleconference. Ms. Alphonsine Gargan appeared representing the applicant. Ms. Sheila Landry was served a notice of attendance by registered mail signed for February 2, 2015. Ms. Landry did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Gargan testified that Ms. Landry is a former tenant in subsidized public housing residing at Unit 42 in Fort Providence, Northwest Territories. She held a fixed-term tenancy agreement which ended November 30, 2014. The landlord confirmed the rental premises had been abandoned on November 11, 2014. The respondent did not give written notice to end her tenancy agreement in accordance with the Act. Rental arrears including the November 2014 rent had accumulated to \$2,671.02; all monthly rents were assessed subsidies based on reported household income. On November 12, 2014, the landlord applied the total security deposit of \$345.46 against the rental arrears, reducing the total amount owing to \$2,325.56. Ms. Gargan requested an order for payment of the remaining rental arrears.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a fixed-term subsidized public housing agreement between the parties for the rental premises known as Unit 42, Lot 115, in Fort Providence, Northwest Territories, ending November 30, 2014. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act.

Rental arrears

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account, including the credit of the total security deposit. I am satisfied the lease balance statement accurately reflects the status of the respondent's rent account.

The tenant check-in/out condition report corroborates the applicant's testimony with respect to the date the respondent abandoned the rental premises. I am satisfied the landlord reclaimed possession of the rental premises on November 12, 2014, after determining the respondent had abandoned the rental premises on November 11, 2014.

Schedule A to the residential tenancy agreement stipulates the monthly assessed rent is due the first of the month. As such, the rent for November was due November 1st. Having determined the rental premises was abandoned mid-month, and that the November rent had not been paid, the rent for November was rental arrears and not lost future rent. The application of the security deposit by the landlord against the total rental arrears was done in accordance with the Act. I find the respondent has rental arrears in the amount of \$2,325.56.

An order will issue for Ms. Sheila Landry to pay rental arrears in the amount of \$2,325.56.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease balance statement dated December 8, 2014
- Exhibit 2: Agreement to pay rental arrears dated February 26, 2014
- Exhibit 3: Applicant's abandonment of Unit 42 correspondence to respondent dated November 3, 2014
- Exhibit 4: Applicant's office visit correspondence to respondent dated October 23, 2014
- Exhibit 5: Applicant's economic rent - October correspondence to respondent dated October 16, 2014
- Exhibit 6: Applicant's September and rent arrears correspondence to respondent dated September 26, 2014
- Exhibit 7: Applicant's rent and arrears payment correspondence to respondent dated August 15, 2014
- Exhibit 8: Applicant's fixed term lease correspondence to respondent dated July 7, 2014
- Exhibit 9: Applicant's outstanding payments correspondence to respondent dated July 2, 2014
- Exhibit 10: Applicant's security deposit receipt dated November 12, 2014
- Exhibit 11: Applicant's rent calculation forms for November 2014
- Exhibit 12: Residential tenancy agreement fixed term dated January 16, 2014
- Exhibit 13: Tenant check-in/out unit condition report