

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Joni Tsatchia and Taylor Summerfield**, 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 community of Wekweeti in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

JONI TSATCHIA and TAYLOR SUMMERFIELD

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 \$5,792.42 (five thousand seven hundred ninety-two dollars forty-two cents) in minimum monthly installments of \$200.00 (two hundred dollars) starting in March 2015 and each month thereafter until the rental arrears are paid in full.
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 45(4)(a) of the *Residential Tenancies Act*, the respondents must comply with their obligation to report their total household income in accordance with section 6 of their tenancy agreement.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Joni Tsatchia and Taylor Summerfield**, 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-

JONI TSATCHIA and TAYLOR SUMMERFIELD

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	February 25, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Gerry Cheezie, representing the applicant Joni Tsatchia, respondent
<u>Date of Decision:</u>	February 25, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Joni Tsatchia and Taylor Summerfield as the respondents/tenants was filed by the Rental Office January 14, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 35 in Wekweeti, Northwest Territories. The applicant served a copy of the filed application on the respondents by email deemed received January 19, 2015, pursuant to section 4(4) of the *Residential Tenancies Regulations* (the Regulations).

The applicant alleged the respondents had accumulated rental arrears and failed to report their household income as and when required. They sought an order for payment of rental arrears, that future rent be paid on time, and that household income be reported as required. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for February 25, 2015, by teleconference. Mr. Gerry Cheezie appeared representing the applicant. Ms. Joni Tsatchia appeared as respondent and for Mr. Taylor Summerfield.

The parties agreed that a residential tenancy agreement was in place between the parties for subsidized public housing for the rental premises identified as Unit 35 in Wekweeti, Northwest Territories. The respondents have been tenants since August 2012.

Mr. Cheezie testified that the respondents have been accumulating rental arrears since December 2012 and in the last year payments have been sporadic. The rental arrears as of January 31, 2015 total \$5,792.42. The rent for February has not been included in the claim for rental arrears as it was determined at hearing that the rent had not yet been assessed a subsidy based on the income that was reported for January. With respect to the reporting of household income – which is a requirement under the tenancy agreement in order to calculate rent subsidies for which the respondents might be eligible – Mr. Cheezie indicated that the income reports were required on a monthly basis. The respondents' income reports have not always been on time and at the time of making this application to a rental officer the reports were outstanding for the months of October,

November, and December 2014, which resulted in the application of the maximum monthly rent of \$1,545 for November and December 2014 and January 2015. As of this hearing date, the respondents had provided the outstanding income reports up to and including for January 2015; the monthly rents for November 2014 to January 2015 were re-assessed for eligible subsidies, resulting in the rental arrears claimed above. Mr. Cheezie reiterated the landlord's request for an order for payment of rental arrears, payment of future rent on time, and reporting of household income on time. Mr. Cheezie also indicated a preference to incorporate a payment plan into the order for payment of rental arrears.

Ms. Tsatchia did not dispute the applicant's claims. She admitted to confusion on her part instigated by inconsistent information provided to her over the years from different tenant relations officers. Since speaking with Mr. Cheezie and Mr. Michael Keohane, Ms. Tsatchia indicated she has been given some clarity on matters. She advised that there is no tenant relations officer in the community of Wekweeti, so all the required documents she must provide have to be faxed or emailed and the equipment available in the community is unreliable at best. Also, the store through which rent payments are transmitted to the landlord tends to go through a high employee turnover which results in delays to the processing of payments. She acknowledged her responsibility for remaining in communication with the tenant relations officer and advising him when such issues arise.

Ms. Tsatchia stated she is the only one working in the household at the moment. She advised that she could commit to making minimum monthly payments of \$200 towards her rental arrears in addition to her monthly assessed rent. She understood that her monthly assessed rent could vary depending on the total reported household income. She also confirmed understanding her obligations respecting paying her rent on time and reporting her household income monthly and on time.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a tenancy agreement between the parties for subsidized public housing starting August 1, 2012. The parties 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 *Residential Tenancies Act* (the Act).

Rental arrears

The lease balance statement entered into evidence 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. I am satisfied the lease balance statement accurately represents the status of the respondents' rent account as of January 31, 2015. I find the respondents have repeatedly failed to pay the full amount of rent when due and have accumulated rental arrears in the amount of \$5,792.42. I am satisfied it is reasonable to incorporate a minimum monthly installment plan into an order for payment of rental arrears.

Reporting of household income

Section 6 of the residential tenancy agreement specifies the tenant's requirement to report total household income as and when required by the landlord. The applicant's representative at hearing testified that he could only speak to communication since he started in his current position as programs advisor. He indicated since working with the respondents he has advised them the total household income was to be reported on or about the first of each month. Since then the total household income was not reported on time, although it is currently up to date. The respondent confirmed she had failed to report her total household income on time for the months of October, November, and December 2014, as agreed. I find the respondents have failed to comply with their obligation to report household income as and when required by the landlord.

An order will issue requiring Ms. Joni Tsatchia and Mr. Taylor Summerfield to pay rental arrears in the amount of \$5,792.42 in minimum monthly installments of \$200 starting in March 2015 and each month thereafter until the rental arrears are paid in full, to pay their future rent on time, and to report their total household income in accordance with section 6 of their tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement dated January 9, 2015

Exhibit 2: Residential tenancy agreement dated March 28, 2013

Exhibit 3: Lease balance statement dated February 24, 2015

Exhibit 4: Lease balance statement dated February 25, 2015