

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Therese Arrowmaker and Edward Williah**, 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, regarding a rental premises located within the **community of Gameti in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

THERESE ARROWMAKER and EDWARD WILLIAH

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 \$2,087.00 (two thousand eighty-seven dollars) in minimum monthly installments of \$100.00 (one hundred dollars) starting in April 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 household income in accordance with section 6 of their tenancy agreement.

DATED at the City of Yellowknife in the Northwest Territories this 10th day of March 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Therese Arrowmaker and Edward Williah**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

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Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	March 3, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Michael Keohane, representing the applicant Gerry Cheezie, representing the applicant Edward Williah, respondent Therese Arrowmaker, respondent
<u>Date of Decision:</u>	March 3, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Therese Arrowmaker and Edward Williah 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 25 in Gameti, Northwest Territories. The applicant personally served a copy of the filed application on the respondents January 27, 2015.

The applicant alleged the respondents had accumulated rental arrears and had failed to report their total household income in accordance with their tenancy agreement. An order was sought for payment of the rental arrears, that future rent be paid on time, and that the respondents comply with their obligation to report their total household income on time. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 3, 2015, by teleconference. Mr. Michael Keohane and Mr. Gerry Cheezie appeared representing the applicant. Ms. Therese Arrowmaker and Mr. Edward Williah appeared as respondents.

The parties agreed that a tenancy agreement for subsidized public housing has been in place between them since November 2011. The tenancy agreement was for seniors subsidized public housing for which the tenants monthly rent was initially assessed at zero dollars according to the landlord's seniors housing policy. In June 2012 a written notice was provided to the respondents advising them of changes to the seniors housing policy with respect to the housing rent scale which would assess monthly rent based on the household's gross income regardless of seniority; the new policy would take effect July 1, 2012, and indicated that no household would pay less than \$70 per month or more than \$1,625 in rent. Mr. Williah does not remember that letter, stating he did not keep any of the letters he received from the landlord; he claimed he had no idea that he would have to start paying rent.

Based on the lease balance statement, no payments were in fact received against the respondents' rent account until May 2013, and after that payments were made sporadically. All rent referenced in the lease balance statement has been assessed a subsidy to date. The applicant testified that the respondents were requested to report their total household income monthly. While Ms. Arrowmaker's income has been reported as requested, Mr. Williah's has consistently been late. The current rental arrears have accumulated to \$2,087.

The applicant requested that an order for payment of the rental arrears include a minimum monthly payment plan. The respondents were receptive to this and agreed they could afford to pay \$100 per month in addition to their monthly assessed rent.

Tenancy agreement

The residential tenancy agreements entered into evidence establish an agreement between the parties for subsidized public housing starting November 14, 2011. 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 Act.

Rental arrears and reporting of household income

The lease balance statement submitted into evidence represents the landlord's accounting of monthly assessed rents and payments received against the respondents' rent account. The respondents did not dispute the accuracy of the statement. I am satisfied the lease balance statement accurately reflects the status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$2,087.

Section 7 of the tenancy agreement specifies that the rent must be paid on the first of each month. The lease balance statement clearly indicates the rent has not been paid monthly. I find the respondents have failed to comply with their obligation to pay the full amount of the rent when it is due.

Section 6 of the tenancy agreement specifies that the tenants must report their total household income as and when required by the landlord. The applicant has testified that the reporting of total household income must occur monthly and that the tenant Mr. Williah's income has not consistently been reported each month. The respondents did not dispute this testimony. I am satisfied the respondents have failed to comply with their obligation to report total household income as and when required by the landlord.

The parties have agreed to the incorporation of a minimum monthly payment plan into an order for payment of the rental arrears, which I am satisfied is a reasonable condition to include.

An order will issue requiring Ms. Therese Arrowmaker and Mr. Edward Williah to pay rental arrears in the amount of \$2,087 in minimum monthly installments of \$100 starting in April 2015 and each month thereafter until the rental arrears are paid in full, to pay their monthly rent on time, and to comply with their obligation to report total household income as and when required by the landlord.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Statement of account dated January 9, 2015

Exhibit 2: Lease balance statement dated January 9, 2015

Exhibit 3: Written acknowledgement to pay dated September 30, 2014

Exhibit 4: Applicant's outstanding rental arrears correspondences to respondents dated: January 21, 2014; June 8, 2013; January 14, 2014

Exhibit 5: Residential tenancy agreements dated: November 14, 2011; January 2, 2013; March 13, 2013; October 12, 2012

Exhibit 6: Lease balance statement dated March 2, 2015

Exhibit 7: Amended lease balance statement dated March 2, 2015

Exhibit 8: Applicant's new public housing rent scale correspondence to respondents dated June 11, 2012