

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Beverly Catholique**, 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 **city of Yellowknife in the Northwest Territories**.

BETWEEN:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

- and -

**BEVERLY CATHOLIQUE**

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 \$178.36 (one hundred seventy-eight dollars thirty-six 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 her obligation to report her total household income as and when required, in accordance with section 6 of her tenancy agreement.

4. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as 2006 Sissons Court in Yellowknife, Northwest Territories, will terminate April 30, 2015, unless the rental arrears specified in paragraph one of this order are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 21st day of April 2015.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Beverly Catholique**, 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:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

-and-

**BEVERLY CATHOLIQUE**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>April 15, 2015</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Ella Newhook, representing the applicant Beverly Catholique, respondent</b>
<b><u>Date of Decision:</u></b>	<b>April 15, 2015</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Yellowknife Housing Authority as the applicant/landlord against Beverly Catholique as the respondent/tenant was filed by the Rental Office February 18, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 2006 Sissons Court in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent February 26, 2015.

The applicant alleged the respondent had failed to report total household income, had failed to pay the full amount of rent when it was due, had accumulated rental arrears, and had failed to vacate the rental premises after the tenancy was terminated. An order was sought for payment of the rental arrears, reporting of total household income, and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 15, 2015, in Yellowknife, Northwest Territories. Ms. Ella Newhook appeared representing the applicant. Ms. Beverly Catholique appeared as respondent.

The parties agreed that a tenancy agreement was in place between them for subsidized housing commencing May 24, 2012. The undisputed facts include:

- the rental premises is located at 2006 Sissons Court in Yellowknife, Northwest Territories;
- the tenancy automatically renewed as a monthly tenancy effective July 1, 2012, in accordance with section 49(1) of the *Residential Tenancies Act* (the Act);
- the respondent has been repeatedly late paying her rent; and
- the respondent has been repeatedly late reporting her total household income.

Ms. Newhook testified to and provided evidence that as a result of Ms. Catholique failing to report her income for the months of October 2014 to January 2015 the landlord applied the maximum monthly rent of \$1,625 for the months of November 2014 to February 2015, which resulted in rental arrears as of February 28, 2015, in the amount of \$6,718.36. A notice to terminate the tenancy under section 51(5) of the Act was issued January 21, 2015, terminating the tenancy February 28, 2015.

After the application to a rental officer was filed, Ms. Catholique attended the landlord's office and provided the outstanding household income reports up to and including for February 2015, resulting in a re-assessment of rent subsidies. As of March 3, 2015, the newly applied subsidies reduced the amount of rental arrears to \$538.36. Ms. Newhook confirmed that the tenancy was reinstated at this point. Ms. Catholique has made four additional payments against her rent account to date and after the application of the subsidized April rent her current rental arrears are \$178.36.

Ms. Catholique acknowledged she has been struggling to maintain employment but has secured a new job. Ms. Catholique and Ms. Newhook have been communicating regarding this tenancy and the issues at hand. Ms. Newhook acknowledged Ms. Catholique's efforts to date to resolve her account and comply with her obligation to report income. However, Ms. Catholique's historical pattern of behaviour reveals a tendency to fall behind in both her reporting of household income and payment of monthly rent. As a consequence, Ms. Newhook requested a conditional termination of tenancy order for April 30, 2015, unless the rental arrears were paid in full; the request for an eviction order was withdrawn.

I am satisfied the tenancy agreement between the parties is valid, is current, and is made in accordance with the Act. I am satisfied that the statement of account reflecting the status of the respondent's rent account is an accurate representation thereof.

I find the respondent has repeatedly failed to pay her monthly rent on time. I find the respondent has failed to report her household income as and when required, pursuant to section 6 of her tenancy agreement. I find the respondent has accumulated rental arrears in the amount of \$178.36.

Based on the historical pattern of behaviour testified to and reflected in the statement of account with respect to failures to report household income and accumulate rental arrears, I am satisfied a termination order is justified. The respondent's actions since filing of the application suggest to me that a conditional termination order is reasonable.

An order will issue requiring Ms. Beverly Catholique to pay rental arrears in the amount of \$178.36, to pay her future rent on time, to report her household income in accordance with section 6 of her tenancy agreement, and terminating her tenancy on April 30, 2015, unless the rental arrears are paid in full.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Statement of account dated February 18, 2015

Exhibit 2: Applicant's lease termination correspondence to respondent dated January 21, 2015

Exhibit 3: Residential tenancy agreement dated May 24, 2012

Exhibit 4: Statement of account dated April 14, 2015