

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Shirley Bernarde**, 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, regarding a rental premises located within the **hamlet of Tulita in the Northwest Territories**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

SHIRLEY BERNARDE

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 application rental arrears in the amount of \$800.00 (eight hundred dollars).
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 in accordance with section 6 of her tenancy agreement.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Shirley Bernarde**, 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:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

SHIRLEY BERNARDE

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 2, 2015
<u>Place of the Hearing:</u>	Tulita, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Helen Squirrel, representing the applicant Shirley Bernarde, respondent
<u>Date of Decision:</u>	April 2, 2015

REASONS FOR DECISION

An application to a rental officer made by Tulita Housing Association as the applicant/landlord against Shirley Bernarde as the respondent/tenant was filed by the Rental Office February 12, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit #0056 in Tulita, Northwest Territories. The applicant personally served a copy of the filed application on the respondent February 19, 2015.

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

A hearing was scheduled for April 2, 2015, by teleconference. Ms. Helen Squirrel appeared representing the applicant. Ms. Shirley Bernarde appeared as respondent.

Evidence was provided and the parties agreed that Ms. Bernarde has been a tenant in subsidized public housing at the rental premises known as Unit #0056 in Tulita, Northwest Territories, since April 2006. The tenancy agreement specifies that monthly rent is to be paid the first of the month, that total household income must be reported whenever and as often as requested by the landlord's agent, and that as long as all terms of the tenancy agreement are met – including reporting of income – the tenant may be eligible for a rent subsidy. The parties agreed that the reporting of household income was expected on a monthly basis.

The lease balance statements and tenant ledger cards entered into evidence reflect the repeatedly late reporting of household income and the repeatedly late payments of rent. Ms. Bernarde did not dispute this. She admitted to have a difficult time retrieving her paystubs from her employer with which to report her household income. Ms. Squirrel confirmed she has reached out to Ms. Bernarde's employer directly and made arrangements for Ms. Bernarde's paystubs to be faxed directly to the applicant's office. Both parties agreed this should resolve the issue of failing to report household income.

Ms. Squirrel advised that all monthly rent to date has been assessed a subsidy. Ms. Bernarde has been making substantial payments against her rent account since January 2015 and has reduced her rental arrears to \$800. Ms. Squirrel withdrew the applicant's request for an order terminating the tenancy agreement in favour of an order for payment of rental arrears and that future rent be paid on time.

I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the *Residential Tenancies Act* (the Act). I am satisfied the lease balance statements and tenant ledger cards accurately reflect the current status of the respondent's rent account.

I find the respondent has failed to comply with her obligation to report household income as and when required. I find the respondent has failed to pay the full amount of rent when it is due. I find the respondent has accumulated rental arrears in the amount of \$800.

An order will issue requiring Ms. Shirley Bernarde to pay rental arrears in the amount of \$800, to pay her rent on time in the future, and to comply with her obligation to report household income in accordance with section 6 of the tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Lease balance statements April 4, 2014, and March 19, 2013
- Exhibit 2: Tenant ledger cards for rent from April 9, 2008, to February 2, 2015
- Exhibit 3: Rent calculation forms for April 2012 to February 2015
- Exhibit 4: Household income forms for June 2010 to March 2012
- Exhibit 5: Public housing subsidy forms for November 2008 to May 2010
- Exhibit 6: Residential tenancy agreements dated: April 19, 2010; January 15, 2010; October 5, 2009; July 23, 2009; April 2, 2009; April 2008; April 30, 2007; April 21, 2006
- Exhibit 7: Applicant's correspondences to respondent dated from February 7, 2002, to October 14, 2014
- Exhibit 8: Applicant's note to tenant file dated September 15, 2014
- Exhibit 9: Agreement to pay rental arrears
- Exhibit 10: Lease balance statement dated April 1, 2015
- Exhibit 11: Tenant ledger cards for rent from April 23, 2014, to March 27, 2015