

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Sherry MacCauley**, 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 -

SHERRY MACCAULEY

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 \$280.00 (two hundred eighty 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 total household income as and when requested by the applicant in accordance with section 6 of their residential 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 Unit #0073 in Tulita, Northwest Territories, will terminate April 30, 2015, and the respondent must vacate the rental premises on or before that date unless the rental arrears under paragraph 1 are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of April 2015.

Adelle Guigon
Deputy Rental Officer

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BETWEEN:

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-and-

SHERRY MACCAULEY

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
<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 Sherry MacCauley and Travis MacCauley was filed by the Rental Office February 12, 2015. The application was made regarding subsidized public housing residential tenancy agreements for the rental premises known as Unit #0087 and Unit #0073 in Tulita, Northwest Territories. The applicant personally served the filed application on the respondents February 19, 2015.

The applicant alleged the respondents had accumulated rental arrears, filed to report total household income, and caused damages to the rental premises. The applicant sought an order for payment of rental arrears, compensation for cleaning and repair costs, 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. Sherry MacCauley and Mr. Travis MacCauley were sent notices of attendance by registered mail signed for by Sherry MacCauley on March 18, 2015. Neither Ms. MacCauley nor Mr. MacCauley appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Squirrel advised at hearing that the application to a rental officer contained an error identifying Travis Grandjambe as Travis MacCauley. The error was noted.

Ms. Squirrel testified and provided evidence that Ms. MacCauley and Mr. Grandjambe had been joint tenants in subsidized public housing at the rental premises known as Unit #0087 until February 3, 2014. They were transferred to Unit #0073 and a new joint tenancy was entered into effective February 4, 2014. Mr. Grandjambe subsequently moved out of the rental premises and the applicant was notified of this in November 2014; a new sole tenancy agreement was entered into with Ms. MacCauley effective December 1, 2014.

Ms. Squirrel applied for cleaning and repair costs in the total amount of \$2,409 related to Unit #0087. However, she did not provide into evidence the residential tenancy agreement for that premises, any entry/exit inspection reports for that premises, any photographs of the condition of the premises at the end of the tenancy, any work orders for the cleaning and repairs, and any substantiation for the making of the application outside the six month limitations imposed by section 68 of the Act. Having no evidence to substantiate the application for compensation for cleaning and repairs, that claim is denied.

Ms. Squirrel testified and provided evidence of current rental arrears in the amount of \$280. At the time of making the application, the last payment made by Ms. MacCauley and Mr. Grandjambe was recorded on October 31, 2014, in the amount of \$60. The tenants had failed to report their total household income for the months of October 2014 to February 2015, resulting in the application of the maximum monthly rent of \$1,445 for the months of November 2014 to March 2015 and total rental arrears as of March 6, 2015, of \$7,155. By March 31, 2015, Ms. MacCauley had submitted the outstanding reports of household income from which the applicant assessed rent subsidies, reducing the rental arrears to \$280. The adjusted rental arrears represent subsidized rent for December to March 2015, a period during which Ms. MacCauley was the sole tenant under the residential tenancy agreement for Unit #0073.

Ms. MacCauley and Mr. Grandjambe have been issued an order by the rental officer once previously (20-13035) the residential tenancy agreement for Unit #0087; it ordered payment of rental arrears and conditional termination of the tenancy unless those rental arrears were paid in full. That order was satisfied and the tenancy continued. The tenant ledger card for Unit #0073 shows a continued failure to pay the full amount of rent when it was due for the months of July, August, and September 2014, followed by a failure to report household income and make any monthly rent payments starting in November 2014.

I am satisfied that a sole tenancy agreement for subsidized public housing has been in place between Tulita Housing Association and Sherry MacCauley since December 1, 2014. I am satisfied that Ms. MacCauley has failed to report the total household income in accordance with section 6 of her residential tenancy agreement. I am satisfied that Ms. MacCauley has repeatedly failed to pay the full amount of subsidized rent throughout her sole residential tenancy agreement.

As the current residential tenancy agreement does not include Mr. Grandjambe, he will not be included as a respondent in the orders to be issued from this application to a rental officer.

I find Ms. MacCauley has accumulated rental arrears in the amount of \$280. I find Ms. MacCauley has failed to comply with her obligation to pay her rent on time. I find Ms. MacCauley has failed to comply with her obligation to report total household income whenever and as often as requested by the landlord's agent. I find justification for the conditional termination of the tenancy agreement should Ms. MacCauley fail to pay the full amount of rental arrears.

An order will issue requiring Ms. Sherry MacCauley to pay rental arrears in the amount of \$280, to pay her rent on time in the future, to comply with her obligation to report total household income in accordance with section 6 of her residential tenancy agreement, and terminating her tenancy agreement on April 30, 2015, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Tenant ledger card for rent from April 15, 2014 to January 13, 2015
- Exhibit 2: Lease balance statements dated January 21, 2015
- Exhibit 3: Rent calculation forms for November 2014 to January 2015
- Exhibit 4: Travis Grandjambe's public housing unit #73 correspondence to applicant dated September 11, 2014
- Exhibit 5: Applicant's note to tenant file dated November 25, 2014
- Exhibit 6: Applicant's disturbances and vandalism correspondence to Sherry MacCauley dated December 29, 2014
- Exhibit 7: Applicant's invoice number 1488 dated November 21, 2014
- Exhibit 8: Residential tenancy agreements dated: December 1, 2014; July 1, 2014; April 1, 2014; February 6, 2014
- Exhibit 9: Applicant's relocation to unit #0073 correspondence to respondents dated February 7, 2014
- Exhibit 10: Lease balance statement dated March 23, 2015
- Exhibit 11: Tenant ledger cards for rent from April 15, 2014, to March 31, 2015