

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Crystal Campbell**, 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 -

**CRYSTAL CAMPBELL**

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 \$5,646.00 (five thousand six hundred forty-six 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 in accordance with section 6 of her 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 #0076 in Tulita, Northwest Territories, will terminate on June 30, 2015, and the respondent must vacate the rental premises on or before that date unless the rental arrears are paid in full, the rents for April to June 2015 are paid on time, and the total household income is reported as required for March to May 2015.

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

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Crystal Campbell**, 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-

**CRYSTAL CAMPBELL**

Respondent/Tenant

**REASONS FOR DECISION**

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

### **REASONS FOR DECISION**

An application to a rental officer made by Tulita Housing Association as the applicant/landlord against Crystal Campbell 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 #0076 in Tulita, Northwest Territories. The applicant personally served the filed application on the respondent February 20, 2015.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment of rental arrears and that future rent be paid on time. 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. Crystal Campbell was served a notice of attendance by registered mail deemed served March 20, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. Campbell did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Ms. Squirrel testified and provided evidence establishing a subsidized public housing residential tenancy agreement with Ms. Campbell for the rental premises known as Unit #0076. The tenancy began October 31, 2011, as a fixed-term tenancy to December 31, 2013, after which it automatically renewed as a monthly tenancy pursuant to section 49(1) of the Act. The monthly tenancy was confirmed in subsequent written tenancy agreements.

Ms. Campbell has never carried a zero balance on her rent account. Ms. Squirrel provided into evidence the tenant ledger cards for rent since commencement of the tenancy which clearly reflect Ms. Campbell's repeated failure to report her total household income on a monthly basis and repeated failure to pay the full amount of her subsidized monthly rent when it is due. Ms. Squirrel testified that Ms. Campbell has recently brought her household income reports up to date resulting in a reassessment of her monthly rent; as of March 23, 2015, all monthly rents have been subsidized. Additional payments have also been made since the filing of this application to a rental officer. The current rental arrears have accumulated to \$5,646.

In light of Ms. Campbell's repeated failure to report her household income, repeated failure to make sufficient payments against her rent account, and the substantial amount of accumulated rental arrears to date, Ms. Squirrel requested in addition to an order for payment and compliance with reporting obligations that the tenancy be terminated.

I am satisfied a valid tenancy agreement exists between the parties for subsidized public housing for the rental premises known as Unit #0076 in Tulita, Northwest Territories, in accordance with the Act. I am satisfied that the lease balance statements and tenant ledger cards accurately reflect the status of the respondent's rent account.

I find the respondent has accumulated rental arrears in the amount of \$5,646. I find the respondent has failed to pay the full amount of rent when it is due. I find the respondent has failed to comply with her obligation to report her total household income in accordance with section 6 of the residential tenancy agreement. I find justification for conditional termination of the tenancy as a consequence of the substantial breaches of the residential tenancy agreement and the Act.

An order will issue requiring Ms. Crystal Campbell to pay rental arrears in the amount of \$5,646; to pay her future rent on time; 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 June 30, 2015, unless the rental arrears are paid in full, the rents for April to June 2015 are paid on time, and the household income for March to May are reported as required.

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Adelle Guigon  
Deputy Rental Officer

## APPENDIX A

### Exhibits

- Exhibit 1: Tenant ledger cards for rent from November 3, 2011, to January 13, 2015
- Exhibit 2: Rent calculation forms for April 2012 to January 2015
- Exhibit 3: Household income forms for October 2011 to March 2012
- Exhibit 4: Applicant's correspondences to respondent dated between November 3, 2011, and January 13, 2015
- Exhibit 5: Applicant's note to tenant file dated October 31, 2011
- Exhibit 6: Tulita Dene Band Council correspondence to applicant dated September 26, 2013
- Exhibit 7: Agreement to pay rental arrears dated October 23, 2013
- Exhibit 8: Residential tenancy agreements dated: April 1, 2014; July 1, 2013; April 22, 2013; July 1, 2013; July 2, 2012; March 27, 2012; October 31, 2011
- Exhibit 9: Lease balance statement dated March 23, 2015
- Exhibit 10: Tenant ledger cards for rent from April 15, 2014, to March 23, 2015