

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **John Williah and Joyce Zoe**, 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 **town of Behchoko in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

JOHN WILLIAH and JOYCE ZOE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$8,494.00 (eight thousand four hundred ninety-four dollars).
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 sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as House #732 in Behchoko, Northwest Territories, will terminate July 31, 2015, unless the respondents have paid \$2,000.00 (two thousand dollars) towards their rental arrears and the rents for May, June, and July 2015 have been paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 19th day of May 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **John Williah and Joyce Zoe**, 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:

NWT HOUSING CORPORATION

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-and-

JOHN WILLIAH and JOYCE ZOE

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 30, 2015
<u>Place of the Hearing:</u>	Behchoko, Northwest Territories
<u>Appearances at Hearing:</u>	Bonnie Leonardis, representing the applicant
<u>Date of Decision:</u>	April 30, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against John Williah and Joyce Zoe as the respondents/tenants was filed by the Rental Office February 16, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as House #732 in Behchoko, Northwest Territories. The applicant personally served a copy of the filed application on the respondents February 18, 2015.

The applicant alleged the respondents had accumulated rental arrears and sought an order for payment of the rental arrears, that future rent be paid on time, and termination of the tenancy agreement. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for April 30, 2015, in Behchoko, Northwest Territories. Ms. Bonnie Leonardis appeared representing the applicant. Mr. John Williah and Ms. Joyce Zoe were served notices of attendance by registered mail signed for April 15, 2015. Neither Mr. Williah nor Ms. Zoe 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. Leonardis testified to and provided evidence establishing a residential tenancy agreement between the NWT Housing Corporation and John Williah and Joyce Zoe commencing April 1, 2004. The tenancy agreement was for subsidized public housing and the respondents have occupied House #732 throughout the tenancy.

The lease balance statements entered into evidence represents the landlord's accounting of monthly assessed rent and payments made against the respondents' rent account. All monthly rents have been subsidized. Rental arrears began accumulating in April 2012. Between April 2012 and March 2014 eight payments were made against the rent account; between April 2014 and April 2015 17 payments were made against the rent account; of all the payments made, only one was of sufficient amount to cover at least the rent for that month.

I am satisfied that a valid tenancy agreement is in place between the parties in accordance with the Act. I am satisfied that the lease balance statements accurately reflect the current status of the respondents' rent account. I find the respondents have accumulated rental arrears in the amount of \$8,494.

In light of the substantial amount of rental arrears I find justification to terminate the tenancy, however, in consideration of the respondents' regular efforts in the last year to make any payments at all I am satisfied termination of the tenancy should be conditional on payments being made against the rental arrears and monthly rent being paid on time.

An order will issue requiring Mr. John Williah and Ms. Joyce Zoe to pay rental arrears in the amount of \$8,494, to pay their rent on time in the future, and terminating their tenancy agreement July 31, 2015, unless \$2,000 is paid towards the rental arrears and the rents for May, June, and July are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's written reasons for application
- Exhibit 2: Lease dated March 5, 2004
- Exhibit 3: Lease balance statement dated February 6, 2015
- Exhibit 4: Statement of account as of March 31, 2012
- Exhibit 5: Verification of income forms
- Exhibit 6: Applicant's supported lease program correspondence to respondents dated January 29, 2014
- Exhibit 7: Applicant's payment change correspondences to respondents dated: December 9, 2013; April 1, 2012
- Exhibit 8: Applicant's outstanding rental arrears correspondences to respondents dated: March 6, 2007; February 1, 2007; December 19, 2006
- Exhibit 9: Applicant's Expanded Downpayment Assistance Program (EDAP) correspondence to respondents dated November 19, 2003
- Exhibit 10: Lease balance statement dated April 27, 2015
- Exhibit 11: Lease balance statement dated April 30, 2015