

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Kathy Franki and Nick Albert**, Respondents;

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 **the city of Yellowknife in the Northwest Territories**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

KATHY FRANKI and NICK ALBERT

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents must pay their rent on time in the future.

DATED at the City of Yellowknife in the Northwest Territories this 22nd day of May 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Yellowknife Housing Authority**, Applicant, and **Kathy Franki and Nick Albert**, 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.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

KATHY FRANKI and NICK ALBERT

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 15, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Kathy Franki, respondent Nick Albert, respondent
<u>Date of Decision:</u>	April 15, 2015

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority as the applicant/landlord against Kathy Franki and Nick Albert as the respondents/tenants 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 #18, 5009 - 47 Street, in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondents February 26, 2015.

The applicant alleged the respondents had been repeatedly late reporting their household income, had accumulated additional rental arrears, and had failed to comply with rental officer order #10-14019. An order was requested for payment of the rental arrears, termination of the tenancy agreement, 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. Kathy Franki and Mr. Nick Albert appeared as respondents.

Rental officer order #10-14019 dated November 18, 2014, required the respondents to pay rental arrears in the amount of \$2,056.11, not to breach their obligation to pay their electricity bills again, not to breach their obligation to report household income again, and to pay their future rent on time. At the time of filing the application to a rental officer, the respondents had made only one payment against their rental arrears, had failed to pay their rent on time, and had failed to report their household income as required. The applicant served the respondents with a notice to terminate their tenancy effective February 28, 2015, in accordance with section 51(5) of the *Residential Tenancies Act* (the Act).

Since being served with the filed application to a rental officer, the respondents have resolved the issues claimed. The respondents have reported their household income as required to date, and they have paid their rental arrears and currently carry a credit balance. Ms. Newhook confirmed that the termination of the tenancy has been rescinded and the applicant withdrew their request for an eviction order. Under the circumstances, Ms. Newhook requested only an order that the respondents pay their future rent on time. The respondents did not dispute any of the allegations and acknowledged their responsibilities as tenants.

An order will issue requiring Ms. Kathy Franki and Mr. Nick Albert to pay their rent on time in the future.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Statement of account dated February 17, 2015

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

Exhibit 3: Rental officer order #10-14019 dated November 18, 2014

Exhibit 4: Residential tenancy agreements dated: April 13, 2011; November 25, 2009; August 12, 2009; February 27, 2008; March 14, 2007; November 16, 2006; May 16, 2006; January 1, 2006; May 6, 2003; November 6, 2001

Exhibit 5: Statement of account dated April 14, 2015