

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Edward MacCauley and Lillian Doctor**, 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 hamlet of Tulita in the Northwest Territories**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

EDWARD MACCAULEY and LILLIAN DOCTOR

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondents must pay to the applicant rental arrears in the amount of \$1,822.00 (one thousand eight hundred twenty-two dollars) in minimum monthly installments of \$50.00 (fifty dollars) starting in April 2015 and each month thereafter until the rental arrears are paid in full.
2. 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 5th day of May 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Tulita Housing Association**, Applicant, and **Edward MacCauley and Lillian Doctor**, 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:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

EDWARD MACCAULEY and LILLIAN DOCTOR

Respondents/Tenants

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 Edward MacCauley, respondent Lillian Doctor, 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 Edward MacCauley and Lillian Doctor as the respondents/tenants 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 #0102 in Tulita, Northwest Territories. The applicant personally served a copy of the filed application package on the respondents February 20, 2015.

The applicant alleged the respondents have accumulated rental arrears and have repeatedly failed to pay the full amount of their rent when it is due. An order was sought for payment of rental 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, in Tulita, Northwest Territories. Ms. Helen Squirrel appeared representing the applicant. Mr. Edward MacCauley and Ms. Lillian Doctor appeared as respondents.

The parties agreed that they had entered into a residential tenancy agreement for subsidized public housing commencing November 22, 2012, and that the rental premises occupied by the respondents is Unit #0102 in Tulita, Northwest Territories. The tenancy agreement is for subsidized public housing and specifies that the monthly assessed rent is due and payable on the first of each month.

Ms. Squirrel testified and provided evidence that the respondents had repeatedly failed to pay their rent when it was due and have accumulated rental arrears to date in the amount of \$3,197. The last payment received on the respondents' rent account was for \$70 on August 21, 2014, made by Education, Culture and Employment, and prior to that for \$140 on November 28, 2013. A rent subsidy has been assessed against all rents except one: the respondents' failed to report their total household income for the month of February 2015 and as such the maximum monthly rent of \$1,445 was assessed for March. However, Ms. Squirrel conceded it unlikely that the respondents' income has varied by much since January 2015 and requested an order for payment of rental arrears calculated based on a subsidized rent of \$70 for March, resulting in an adjusted rental arrears total of \$1,822.

The respondents did not dispute the rental arrears claimed and acknowledged their responsibility to ensure the monthly assessed rent was paid on time. They were able to commit to making payments towards their rental arrears in minimum monthly installments of \$50. Ms. Squirrel indicated satisfaction with this proposal to resolve the rental arrears and withdrew the applicant's request for termination of the tenancy agreement.

The respondents did mention concerns with the condition of the rental premises and issues with the boiler and electrical systems. Those maintenance issues were acknowledged by Ms. Squirrel and steps have been taken to effect remedies, although there have been delays related to the availability of qualified trades persons. Ms. Squirrel agreed to look further into the status of the maintenance issues and to keep the lines of communication open with the respondents.

Tenancy agreement

The residential tenancy agreements entered into evidence and the parties agreed statement of facts establish a tenancy for subsidized public housing commencing November 22, 2012. I am satisfied a valid tenancy agreement is in place between the parties.

Rental arrears

The lease balance statements and tenant ledger cards submitted into evidence reflect the applicant's accounting of monthly assessed rents and payments received against the respondents' rent account. The respondents' did not dispute the accuracy of these documents and acknowledged the rental arrears claimed. I am satisfied these documents accurately reflect the status of the respondents' rent account as adjusted to account for a subsidized rent amount for March 2015. I find the respondents have repeatedly failed to pay their rent on time and have accumulated rental arrears in the amount of \$1,822. The respondents' commitment to make minimum monthly installments against their rent arrears is acknowledged and will be included in an order for payment.

An order will issue requiring Mr. Edward MacCauley and Ms. Lillian Doctor to pay rental arrears in the amount of \$1,822 in minimum monthly installments of \$50 starting in April 2015 and each month thereafter until the rental arrears are paid in full, and to pay their future rent on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX

Exhibits

Exhibit 1: Lease balance statement dated February 6, 2015

Exhibit 2: Tenant ledger cards for rent from November 30, 2012, to January 13, 2015

Exhibit 3: Agreements to pay rental arrears dated December 5, 2014, and November 19, 2012

Exhibit 4: Applicant's correspondences to respondents dated: October 14, 2014; May 29, 2014; February 28, 2014; March 26, 2014; December 19, 2013; October 24, 2013; October 24, 2013; April 24, 2013;

Exhibit 5: Rent calculation forms for November 2012 to January 2015

Exhibit 6: Residential tenancy agreements dated: April 4, 2014; October 1, 2013; July 1, 2013; April 22, 2013; November 22, 2012

Exhibit 7: Lease balance statement dated March 23, 2015

Exhibit 8: Tenant ledger card for rent from April 30, 2014, to March 7, 2015