

IN THE MATTER between **Lac La Martre Housing Association**, Applicant, and  
**Rosella Sewi and Anne Marie Nitsiza**, 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 **community of Whati in the Northwest  
Territories**.

BETWEEN:

**LAC LA MARTRE HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**ROSELLA SEWI and ANNE MARIE NITSIZA**

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 \$3,548.22 (three thousand five hundred forty-eight dollars twenty-two cents).

DATED at the City of Yellowknife in the Northwest Territories this 8th day of June  
2015.

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Adelle Guigon  
Deputy Rental Officer

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-and-

**ROSELLA SEWI and ANNE MARIE NITSIZA**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>May 27, 2015</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Michael Keohane, representing the applicant Jessica Relucio, representing the applicant Patricia Rabesca, witness for the applicant (by telephone)</b>
<b><u>Date of Decision:</u></b>	<b>May 27, 2015</b>

**REASONS FOR DECISION**

An application to a rental officer made by Lac La Martre Housing Association as the applicant/landlord against Rosella Sewi and Anne Marie Nitsiza as the respondents/tenants was filed by the Rental Office April 30, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit #906 in Whati, Northwest Territories. The applicant personally served a copy of the filed application on the respondents May 6, 2015.

The applicant alleged the respondents had accumulated rental arrears and sought an order for payment. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for May 27, 2015, in Yellowknife, Northwest Territories. Mr. Michael Keohane and Ms. Jessica Relucio appeared representing the applicant, with Ms. Patricia Rabesca attending by telephone as witness for the applicant. Ms. Rosella Sewi and Ms. Anne Marie Nitsiza were sent notices of attendance by registered mail deemed served May 19, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Ms. Sewi nor Ms. Nitsiza appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

The applicant testified to and provided evidence that the respondents had been parties to a residential tenancy agreement for subsidized public housing in Whati, Northwest Territories, commencing February 22, 2012. The rental premises the respondents continuously occupied was known as Unit #906. All monthly rents have been assessed subsidies. Between the commencement of the tenancy and January 1, 2014, two payments totalling \$64 were made against the respondents' rent account. In January 2014, electronic funds transfers (EFT) were arranged authorizing automatic withdrawals from the respondents' bank account; all EFTs except one between January and September were successful.

On September 29, 2014, the landlord received information from the respondents' neighbours that the respondents were no longer living at the rental premises. Being unable to reach the respondents at that time, the landlord contacted Ms. Sewi's mother, who confirmed the respondents had moved to Yellowknife. Ms. Sewi did contact the landlord and arranged for a possession extension to October 10, 2014, to facilitate cleaning the unit and removing remaining property from the premises. The landlord granted the extension and did not charge the respondents rent for October. After cleaning out the rental premises the respondents returned to Yellowknife without leaving a forwarding address. After some time, the respondents were successfully located and arrangements were made to obtain updated verification of income forms for the outstanding periods from January 2013 to August 2014. Although all rents had been subsidized, at the time of filing the application, the verification of income forms remained outstanding; the rental arrears as per the lease balance statement included in the application were \$9,904. The landlord had only just received release forms for Canada Revenue Agency on April 15, 2015, but anticipated the income tax returns would provide information requiring recalculation of the subsidies and likely result in a reduction in the amount of rental arrears. At hearing, the applicant was able to confirm this as the case and provided an updated lease balance statement reflecting re-assessed monthly rent amounts for February 2013 to September 2014 resulting in a reduction to the amount of rental arrears to \$4,149.

A security deposit in the amount of \$600 had been paid by the respondents at the commencement of the tenancy against which interest had accumulated in the amount of \$0.78, calculated in accordance with the Act and the *Residential Tenancies Regulations* (the Regulations). The total security deposit was retained by the applicant against the accumulated rental arrears, reducing the rental arrears total to \$3,548.22.

I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act. I am satisfied that the lease balance statement entered into evidence accurately reflects the status of the respondents' rent account. I am satisfied that the security deposit interest has been calculated in accordance with the Act and Regulations, and that it has been retained by the landlord against the rental arrears in accordance with the Act. I find the respondents have accumulated rental arrears in the total amount of \$3,548.22 and an order will issue requiring the respondents to pay that amount.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement dated April 30, 2015

Exhibit 2: Residential tenancy agreement dated February 22, 2012

Exhibit 3: Applicant's public housing unit 906 correspondence to respondents dated October 1, 2014

Exhibit 4: Applicant's outstanding rental arrears correspondences to respondents dated: June 7, 2014; March 3, 2014; December 18, 2013

Exhibit 5: Lease balance statement dated May 26, 2015

Exhibit 6: Damage deposit payment form signed May 25, 2015