

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Jodie Mary Boniface and Dwight Norwegian**, 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 Wrigley in the Northwest Territories**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

JODIE MARY BONIFACE and DWIGHT NORWEGIAN

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 \$1,465.94 (one thousand four hundred sixty-five dollars ninety-four cents).
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 section 45(4)(a) of the *Residential Tenancies Act*, the respondents must comply with their obligation to report their total household income in accordance with section 6 of their tenancy agreement.

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

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Jodie Mary Boniface and Dwight Norwegian**, Respondents.

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JODIE MARY BONIFACE and DWIGHT NORWEGIAN

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 16, 2015
<u>Place of the Hearing:</u>	Wrigley, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kathy Konisenta, representing the applicant Dwight Norwegian, respondent
<u>Date of Decision:</u>	June 16, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Jody Boniface and Dwight Norwegian as the respondents/tenants was filed by the Rental Office April 14, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit WY-8, Lot 30, Plan 429, in Wrigley, Northwest Territories. The applicant served a copy of the filed application on the respondents by regular mail which was verbally confirmed received by the respondents May 5, 2015.

The applicant alleged the respondents had repeatedly failed to pay their rent on time and had accumulated rental arrears. An order was sought for payment of the 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 June 16, 2015, in Wrigley, Northwest Territories. Ms. Kathy Konisenta appeared by telephone representing the applicant. Mr. Dwight Norwegian appeared as respondent and for Ms. Jodie Boniface, who could not attend.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a fixed term tenancy between the parties for subsidized public housing commencing January 9, 2013, and ending September 30, 2015. The parties did not dispute the validity of the tenancy agreement. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

The tenancy agreement identifies the tenants as Jodie Mary Boniface and Dwight Norwegian. The application to a rental officer spells Ms. Boniface's first name as 'Jody'. The style of cause going forward and in the order will reflect the tenant's names as they appear in the written tenancy agreement.

Rental arrears

The customer aged detail and lease ledger entered into evidence represent the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account throughout the tenancy. Mr. Norwegian did not dispute the accuracy of the accounting and acknowledged his debt to the landlord. I am satisfied these documents accurately reflect the current status of the respondents' rent account. I find the respondents have repeatedly failed to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$1,465.94.

Reporting of household income

The lease ledger corroborates Ms. Konisenta's testimony that the respondents' have been repeatedly late reporting their household income. Section 6 of the tenancy agreement requires the tenants to report their total household income as and when requested by the landlord. Ms. Konisenta confirmed the household income reports are required on a monthly basis. Mr. Norwegian did not dispute either when the household income reports were required or that he had failed to report his income as required. I find the respondents have failed to comply with their obligation to report their household income as required.

Order

An order will issue requiring Ms. Jodie Mary Boniface and Mr. Dwight Norwegian to pay rental arrears in the amount of \$1,465.94, to pay their rent on time in the future, and to report their household income in accordance with section 6 of their tenancy agreement.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Customer aged detail as at March 13, 2015

Exhibit 2: Lease ledger dated June 16, 2015

Exhibit 3: Residential tenancy agreement dated January 9, 2013