

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Amanda Marlowe**, Respondent;

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 community of Lutselk'e in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

AMANDA MARLOWE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, paragraph 1 of rental officer order #10-14212 is rescinded and the respondent must pay to the applicant rental arrears in the total amount of \$20,204.48 (twenty thousand two hundred four dollars forty-eight cents).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her future rent on time.

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 Unit 49 in Lutselk'e, Northwest Territories, will terminate September 30, 2015, and the respondent must vacate the rental premises on or before that day, unless the rents for July, August, and September 2015 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 10th day of July 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Amanda Marlowe**, Respondent.

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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

AMANDA MARLOWE

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 17, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Jessica Relucio, representing the applicant Amanda Marlowe, respondent
<u>Date of Decision:</u>	June 17, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as applicant/landlord against Amanda Marlowe as respondent/tenant was filed by the Rental Office May 1, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 49 in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail deemed served May 19, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondent had failed to comply with the terms of rental officer order #10-14212 by failing to make minimum monthly installment payments against her rental arrears and failing to paying her monthly rent on time, consequentially terminating her tenancy agreement on March 31, 2015. An order was sought for payment of rental arrears and eviction. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for June 17, 2015, by teleconference. Ms. Jessica Relucio appeared representing the applicant. Ms. Amanda Marlowe appeared as respondent, confirming receipt of the filed application.

Rental officer order number 10-14212 dated September 25, 2014, ordered Ms. Marlowe to pay rental arrears of \$20,364.48 in minimum monthly installments of \$150 starting in October 2014 until the rental arrears were paid in full, to pay her future rent on time, and terminated her tenancy March 31, 2015, unless the minimum monthly installments and rents for October 2014 to March 2015 were paid on time. Ms. Relucio and Ms. Marlowe were both present at the hearing this order was issued from.

Ms. Relucio provided evidence and testimony indicating that Ms. Marlowe had failed to pay the full amount of minimum monthly installments since November 2014 and had failed to pay her subsidized rent on time since October 2014. Several attempts at verbal communication and two written notices - dated November 27, 2014, and February 17, 2015, were sent to Ms. Marlowe reminding her of her obligation to comply with the rental officer order and the consequences for failing to do so. She was given until February 28, 2015, to clear her account. Ms. Marlowe made

no payments against her account in February and March 2015. The rental arrears as of March 31, 2015, were \$20,864.48; all rents were subsidized. One payment was received on April 20, 2015, in the amount of \$300. On May 1, 2015, Ms. Relucio wrote to Ms. Marlowe confirming that her tenancy agreement was terminated March 31, 2015, due to Ms. Marlowe's failure to comply with the terms of the rental officer order, that her rents for April and May would be charged at the maximum assessed rent as she is no longer eligible for a subsidy, and requested that arrangements be made to move out of the rental premises by May 31, 2015. Ms. Marlowe remains in occupancy of the rental premises to date.

After receipt of the filed application to a rental officer, Ms. Marlowe has made two payments against her rent account to date: May 29th for \$960 and June 15th for \$300. Her current rental arrears total is \$20,204.48. The rents for April to June have been subsidized subsequent to the May 1st correspondence. Ms. Relucio acknowledged having additional communication with Ms. Marlowe since filing the application and agreed to reinstate the tenancy agreement and apply the subsidized rents, but would request a short-term conditional termination and eviction order.

Ms. Marlowe explained that she had been unemployed until recently and kept her landlord informed of her situation. She tried unsuccessfully to get Income Support's assistance. Family helped her financially when they could. She has since obtained employment with Lutselk'e Dene First Nation and anticipates being able to meet her obligations to pay her rent on time and pay down her rental arrears.

I am satisfied based on the evidence and testimony presented that the respondent has failed to comply with the terms of rental officer order number 10-14212 and that her tenancy agreement did terminate on March 31, 2015 as a consequence. I accept the applicant's reinstatement of the tenancy agreement and am satisfied the application of subsidized rent to the respondent's rent account to date is appropriate. I am satisfied the lease balance statement printed June 16, 2015, accurately represents the current status of the respondent's rent account and I find the respondent has accumulated rental arrears in the total amount of \$20,204.48.

In consideration of the clear historical pattern of the respondent failing to pay the full amount of her rent on time and her failure to comply with a rental officer order, while also considering the respondent's testimony of recent changes to her employment status which should permit her to comply with her obligations going forward, I am satisfied conditional termination of the tenancy and eviction are justified.

An order will issue rescinding paragraph 1 of rental officer order number 10-14212 and requiring Ms. Amanda Marlowe to pay rental arrears in the total amount of \$20,204.48, to pay her rent on time in the future, terminating her tenancy agreement September 30, 2015, unless the monthly rents for July to September 2015 are paid on time, and evicting her from the rental premises on October 1, 2015, if the termination order becomes effective. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's correspondences to respondent dated: May 1, 2015; February 17, 2015; November 27, 2014

Exhibit 2: Lease balance statement dated May 1, 2015

Exhibit 3: Rental officer order number 10-14212 dated September 25, 2014

Exhibit 4: Lease balance statement dated June 16, 2015