

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Alestine Nitsiza**, 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 Whati in the Northwest Territories**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

ALESTINE NITSIZA

Respondent/Tenant

AMENDED 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sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, paragraph 1 of rental officer order number 10-14473 is rescinded and the respondent must pay to the applicant rental arrears in the total amount of \$14,130.00 (fourteen thousand one hundred thirty dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 705C in Whati, Northwest Territories, is terminated effective July 31, 2015, and the respondent must vacate the rental premises on or before that day.

3. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent must compensate the applicant for use and occupation of the rental premises known as Unit 705C in Whati, Northwest Territories, at a rate of \$50.79 for each day she remains in the rental premises after July 31, 2015.

DATED at the City of Yellowknife in the Northwest Territories this 13th day of July 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **NWT Housing Corporation**, Applicant, and **Alestine Nitsiza**, 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-

ALESTINE NITSIZA

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 9, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Jessica Relucio, representing the applicant Alestine Nitsiza, respondent
<u>Date of Decision:</u>	July 9, 2015

REASONS FOR DECISION

An application to a rental officer made by NWT Housing Corporation as the applicant/landlord against Alestine Nitsiza as the respondent/tenant was filed by the Rental Office May 11, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 705B in Whati, Northwest Territories. The applicant personally served a copy of the filed application on the respondent May 19, 2015.

The applicant alleged the respondent had failed to comply with an order of the rental officer by failing to pay minimum monthly installments against rental arrears and by failing to pay the rent when it's due, and that the respondent continues to carry accumulated rental arrears. An order was sought for the payment of 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 July 9, 2015, by teleconference. Ms. Jessica Relucio appeared representing the applicant. Ms. Alestine Nitsiza appeared as respondent.

Rental officer orders number 10-14473 and 10-14473B were issued from a hearing held on February 24, 2015, requiring Ms. Nitsiza to pay rental arrears in the amount of \$15,340 in minimum monthly installments of \$300 starting in March 2015, requiring her to pay her rent on time in the future, terminating her tenancy on August 31, 2015, unless the minimum monthly installments and monthly rents for March to August 2015 were paid on time, and evicting Ms. Nitsiza from the rental premises September 1, 2015, if the termination of the tenancy became effective.

Ms. Relucio testified and provided evidence that Ms. Nitsiza has already failed to comply with paragraphs 1 and 2 of rental officer order number 10-14473. No payments have been received for the March to July rents. The minimum monthly installment payments against rental arrears of \$300 for March and June have been paid, but the payments for April, May, and July remain outstanding. In total, two payments have been received from Ms. Nitsiza since rental officer order number 10-14473 was issued: \$300 on March 11th and \$300 on June 12th.

Attempts to communicate the seriousness of the situation to Ms. Nitsiza, while successful, have not resulted in any additional efforts to resolve matters and comply with her obligations. Work has been completed between the parties to re-assess rent subsidies for the months of November 2013, January 2014, and April 2014 to May 2015, which have contributed to reducing the total amount of rental arrears from the amount originally applied for in the current application, but the rental arrears still remain at \$14,130 - a substantial amount.

Ms. Nitsiza did not dispute the amount of rental arrears, nor did she dispute her failure to comply with the terms of rental officer order number 10-14473. She stated she has made payments when she could, that she is the only source of income for her family, and that she is trying her best but has other bills to pay as well.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a tenancy between the parties for subsidized public housing commencing June 1, 2009. Schedule A to the tenancy agreement identifies the rental premises as Unit 705C in Whati, Northwest Territories. The parties agreed at hearing that Unit 705C is the correct house number of the rental premises, and that the application to a rental officer should be amended accordingly. I am satisfied a valid tenancy agreement is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears and compliance with rental officer order

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rent and payments received against the respondent's rent account. The applicant verbally entered an amendment to the statement reducing the amount of assessed rent for November 2013 from \$845 to \$580, and as such adjusting the total amount of rental arrears reflected on the statement from \$14,395 to \$14,130. The respondent did not dispute either the accuracy of the statement or the subsequent verbal amendment. I find the respondent has accumulated rental arrears in the amount of \$14,130.

The statements corroborate the applicant's testimony that only two payments have been received against the respondent's rent account since the issuance of the last order where there should have been the equivalent of at least 10 payments consisting of minimum monthly installments and monthly rents. Rental officer order number 10-14473 sets out in paragraph 1 the requirement for the respondent to make minimum monthly installment payments of \$300 towards her rental arrears every month starting in March 2015 until the rental arrears are paid in full. Paragraph 2 of that order requires the respondent to pay her rent on time. Neither of these conditions have been met and I find the respondent has failed to comply with her obligation to pay her rent in full when it is due and has failed to comply with an order of the rental officer.

Termination and eviction

In the reasons for decision attached to rental officer order number 10-14473, Ms. Nitsiza is noted as testifying she could afford to pay \$300 per month in addition to her monthly assessed rent and requested the opportunity to show she could comply with her obligations. It was agreed at that hearing to permit Ms. Nitsiza that opportunity, and a six-month conditional termination and eviction order was issued to take effect August 31st and September 1st, respectively. The conditional termination would not take effect if Ms. Nitsiza made her respective payments for March to August on time. Having found the respondent has already failed to meet those conditions, the tenancy would terminate August 31st. However, in light of the respondent's continued failure to comply with her obligations and an order of the rental officer, the applicant's request for an expedited unconditional termination and eviction order is justified.

An order will issue rescinding paragraph 1 of rental officer order number 10-14473; requiring Ms. Alestine Nitsiza to pay rental arrears totalling \$14,130; terminating her tenancy agreement July 31, 2015; evicting her from the rental premises August 1, 2015; and requiring her to compensate the landlord for use and occupation of the rental premises at a rate of \$50.79 for each day she remains in the rental premises after July 31, 2015. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement dated May 7, 2015

Exhibit 2: Rental officer orders number 10-14473 and 10-14473B dated March 4, 2015

Exhibit 3: Lease balance statement dated July 7, 2015

Exhibit 4: Residential tenancy agreement dated June 1, 2009