

IN THE MATTER between **Yellowknives Dene First Nation Housing Division**,
Applicant, and **Jonathan Lafferty and Melissa Charlo**, 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 community of Dettah in the Northwest
Territories.**

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

- and -

JONATHAN LAFFERTY and MELISSA CHARLO

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 \$62,087.56 (sixty-two thousand eighty-seven dollars fifty-six 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 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 417 in Dettah, Northwest Territories, will terminate December 31, 2015, and the respondents must vacate the rental premises on or before that date, unless the monthly rents for July to December 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

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Applicant, and **Jonathan Lafferty and Melissa Charlo**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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-and-

JONATHAN LAFFERTY and MELISSA CHARLO

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 24, 2015
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Rose Black, representing the applicant
<u>Date of Decision:</u>	June 24, 2015

REASONS FOR DECISION

An application to a rental officer made by Yellowknives Dene First Nation Housing Division as the applicant/landlord against Jonathan Lafferty and Melissa Charlo as the respondents/tenants was filed by the Rental Office May 14, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 417 in Dettah, Northwest Territories. The applicant personally served a copy of the filed application on the respondents May 14, 2015.

The applicant alleged the respondents had failed to pay rent, accumulating rental arrears, and sought an order for payment of the rental arrears and termination of the tenancy agreement. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for June 24, 2015, in Yellowknife, Northwest Territories. Ms. Rose Black appeared representing the applicant. Mr. Jonathan Lafferty and Ms. Melissa Charlo were served with notices of attendance by registered mail signed for June 9, 2015. Neither Mr. Lafferty nor Ms. Charlo appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Black testified to and provided evidence that the respondents had entered into a joint residential tenancy agreement for subsidized public housing commencing February 11, 2011, on a month-to-month basis. The respondents have continuously occupied Unit 417 in Dettah, Northwest Territories, under this tenancy agreement.

Since filing this application to a rental officer, the respondents have entered into a payment plan agreement with the applicant and as such Ms. Black requested the order to pay rental arrears, to pay future rent on time, and a six-month conditional termination and eviction order. Ms. Black testified that the respondents have made no payments against their rent account throughout their current tenancy agreement until the payment plan agreement was made; the respondent's first payment was received June 5, 2015. The rental arrears accumulated between February 2011 and June 2015 now total \$62,087.56.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes a joint tenancy agreement made between the parties for subsidized public housing commencing February 11, 2011. I am satisfied a valid tenancy agreement is in place in accordance with the Act.

Rental arrears

The customer aged details and tenant ledger cards entered into evidence represent the landlord's accounting of monthly rents and payments received against the respondents' rent account. A thorough review of the documents confirms the applicant's testimony that the respondents have made no direct payments towards their rent account during the term of their current tenancy agreement until May 6, 2015. I find the respondents have failed to pay the full amount of their rent when due and have accumulated rental arrears in the amount of \$62,087.56.

Termination and eviction

In light of the substantial amount of rental arrears, and the repeated failure to pay the rent over a lengthy period, I am satisfied termination of the tenancy and eviction are justified. In acknowledgement of the recent payment plan agreement entered into between the parties and compliance to the agreement to date, a conditional termination and eviction order will issue dependent on the continued payment of monthly rent on time.

An order will issue requiring Mr. Jonathan Lafferty and Ms. Melissa Charlo to pay rental arrears in the amount of \$62,087.56, to pay their future rent on time, terminating their tenancy agreement December 31, 2015, unless the monthly rents for July to December 2015 are paid on time, and evicting them from the rental premises January 1, 2016, if the termination of the tenancy becomes effective. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Pages 1, 7, and 8 of residential tenancy agreement dated February 1, 2011
- Exhibit 2: Customer aged detail as at May 14, 2015
- Exhibit 3: Applicant's correspondence to Rental Office dated May 14, 2015
- Exhibit 4: Applicant's note to file dated March 9, 2015
- Exhibit 5: Tenant ledger cards dated: May 7, 2015; January 13, 2015; October 2, 2013; October 1, 2012; September 1, 2012
- Exhibit 6: Email from Stephan Folkers to Mary Toby dated February 11, 2014
- Exhibit 7: Applicant's correspondences to respondents dated: November 12, 2013; October 15, 2014; September 17, 2013; September 24, 2012; September 19, 2012
- Exhibit 8: Applicant's correspondence to Rental Office dated June 24, 2015
- Exhibit 9: Tenant ledger card for rent from January 4 to June 19, 2015
- Exhibit 10: Applicant's correspondence to respondents dated May 19, 2015
- Exhibit 11: Residential tenancy agreement signed February 1, 2011