

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Leah Celine Isaiah**, 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 village of Fort Simpson in the Northwest Territories**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

LEAH CELINE ISAIAH

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a), 42(3)(e), and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears and compensation for repairs in the total amount of \$21,106.52 (twenty-one thousand one hundred six dollars fifty-two cents) in minimum monthly installments of \$200.00 (two hundred dollars) starting in August 2015.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her 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 10316B - 99 Street in Fort Simpson, Northwest Territories, will terminate January 31, 2016, unless the rents and minimum monthly installments for the months of August 2015 to January 2016 are paid on time.

DATED at the City of Yellowknife in the Northwest Territories this 31st day of July 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Leah Celine Isaiah**, 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:

FORT SIMPSON HOUSING AUTHORITY

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-and-

LEAH CELINE ISAIAH

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 28, 2015
<u>Place of the Hearing:</u>	Fort Simpson, Northwest Territories
<u>Appearances at Hearing:</u>	Hilda Gerlock, representing the applicant Leah Celine Isaiah, respondent
<u>Date of Decision:</u>	July 28, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Leah Celine Isaiah as the respondent/tenant was filed by the Rental Office June 4, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 10316B - 99 Street in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for June 19, 2015.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment of the 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 28, 2015, in Fort Simpson, Northwest Territories. Ms. Hilda Gerlock appeared representing the applicant. Ms. Leah Celine Isaiah appeared as respondent.

Tenancy agreement

The parties agreed and evidence was submitted establishing a tenancy agreement between them for subsidized public housing commencing in 2006. I am satisfied a valid tenancy agreement between the parties for subsidized public housing is in place in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The lease balance statement entered into evidence represents the landlord's accounting of monthly assessed rent and payments made against the respondent's rent account. The respondent did not dispute the accuracy of the accounting and acknowledged her significant debt.

The statement included entries for tenant damages in the amounts of \$383.80 and \$1,500. The respondent did not dispute these charges and acknowledged her responsibility for them.

The statement reflected the application of maximum monthly rent in the amount of \$1,625 for July 2015. This amount was entered as a consequence of the respondent failing to report her household income for June 2015. Ms. Gerlock confirmed the respondent has since reported her income and acknowledged the subsidized rent for July 2015 should be \$80. The statement balance was adjusted accordingly.

I am satisfied the adjusted statement accurately reflects the respondent's total arrears. I find the respondent has accumulated rental arrears and costs for repairs in the total amount of \$21,106.52.

The arrears have accumulated since commencement of the tenancy agreement. The payments against the account have been inconsistent and of insufficient amounts to cover the rent and arrears. I find the respondent has failed to comply with her obligation to pay the full amount of her rent when it is due.

The respondent testified that she could commit to paying \$200 each month in addition to her monthly assessed rent. Her recent payments over the last couple months as reflected on the statement support the respondent's assertion. I am satisfied incorporating a minimum monthly installment plan into an order to pay arrears is appropriate under the circumstances.

Termination of the tenancy agreement

In light of the substantial amount of rental arrears accumulated over the course of the tenancy, I find termination of the tenancy agreement justified. However, in consideration of this being the respondent's first time before a rental officer and her recent resolve to address her arrears, I am satisfied the termination of the tenancy agreement should be conditional on monthly payments being made on time. I am not satisfied eviction is warranted at this time.

Order

An order will issue requiring Ms. Leah Celine Isaiah to pay rental arrears and compensation for repairs totalling \$21,106.52 in minimum monthly installments of \$200 starting in August 2015; to pay her future rent on time; and terminating her tenancy agreement on January 31, 2016, unless the rents and minimum monthly installments for August 2015 to January 2016 are paid on time.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement dated April 1, 2012

Exhibit 2: Lease balance statement dated May 28, 2015

Exhibit 3: Applicant's correspondences to respondent dated: May 20, 2015; October 8, 2014

Exhibit 4: Rent calculation form for April 2015

Exhibit 5: Lease balance statement dated July 14, 2015

Exhibit 6: Lease balance statement dated July 28, 2015