

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Kurt Adam Grossetete**, 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 -

KURT ADAM GROSSETETE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a), 84(2), and 84(3) of the *Residential Tenancies Act*, paragraph 1 of rental officer order number 10-13608 is rescinded and the respondent must pay to the applicant rental arrears in the amount of \$25,622.80 (twenty-five thousand six hundred twenty-two dollars eighty cents) in minimum monthly installments of \$100.00 (one hundred dollars) starting in August 2015.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his 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 9820 - 102 Street in Fort Simpson, Northwest Territories, will terminate October 31, 2015, unless the monthly rents and minimum monthly installments for August, September, and October 2015 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 **Kurt Adam Grossetete**, 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

Applicant/Landlord

-and-

KURT ADAM GROSSETETE

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 Kurt Adam Grossetete, 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 Kurt Adam Grossetete 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 9820 - 102 Street in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for June 15, 2015.

The applicant alleged the respondent had failed to comply with a rental officer order and had accumulated rental arrears. An order was sought to rescind the previous rental officer order, to pay rental arrears, to terminate the tenancy agreement, and to evict the tenant. 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. Mr. Kurt Adam Grossetete appeared as respondent.

Tenancy agreement

The parties agreed in testimony and evidence was presented establishing a tenancy agreement between them for subsidized public housing commencing in May 2007. The tenancy has been continuous to date with the respondent resident in the rental premises known as 9820 - 102 Street in Fort Simpson, Northwest Territories, throughout. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the *Residential Tenancies Act*.

Rental arrears

The parties agreed in testimony and evidence was presented establishing that the respondent had accumulated rental arrears. The rents for June and July had been applied at the maximum monthly rent of \$1,625 due to the respondent's failure to report his household income for the months of May and June. Ms. Gerlock confirmed that she has since received the outstanding income reports, although she has not had an opportunity to complete the rent assessments to establish the applicable subsidies. Ms. Gerlock was satisfied with applying estimated subsidized rents in the amount of \$365 for June and July, and the total rental arrears were adjusted accordingly. I find the respondent has accumulated rental arrears in the amount of \$25,622.80.

Previous rental officer order

On September 23, 2013, rental officer order number 10-13608 was issued. Paragraph 1 required the respondent to pay rental arrears accumulated in the amount of \$24,478.80 in minimum monthly installments of \$50 starting in October 2013. Paragraph 2 required the respondent to pay his rent on time in the future. The lease balance statement and the testimonies given establish that neither of these orders was complied with. Mr. Grossetete indicated that he did not entirely understand the terms of rental officer order number 10-13608 even though he was in attendance at that hearing. I find the respondent has failed to comply with a rental officer order.

Termination and eviction

The substantial amount of rental arrears the respondent has accumulated and the respondent's failure to comply with an order to make payments against those arrears and to pay his rent on time cannot be ignored; I am satisfied termination of the tenancy agreement and eviction are justified. However, in consideration of the respondent's claim that he did not understand the terms of the previous order I am satisfied the termination and eviction should be conditional on the payment of rents on time. The terms of the order as follows were explained in full and simple terms to the respondent, who indicated he understood his obligations.

Order

An order will issue rescinding paragraph 1 of rental officer order number 10-13608; requiring Mr. Kurt Adam Grossetete to pay rental arrears in the total amount of \$25,622.80 in minimum monthly installments of \$100 starting in August 2015; requiring him to pay his rent on time in the future; terminating his tenancy agreement on October 31, 2015, unless the rents and minimum monthly installments for August, September, and October are paid on time; and evicting him from the rental premises on November 1, 2015, if the termination of the tenancy agreement becomes effective. The eviction order will follow under separate cover.

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 rental arrears correspondence to respondent dated October 8, 2014

Exhibit 4: Rent calculations by tenant summary printed May 28, 2015

Exhibit 5: Page 1 of rental officer order number 10-13608

Exhibit 6: Rent calculation form for March 2015

Exhibit 7: Lease balance statement dated July 28, 2015