

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Ernie 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, regarding a rental premises located within the **village of Fort Simpson in the Northwest Territories**.

BETWEEN:

**FORT SIMPSON HOUSING AUTHORITY**

Applicant/Landlord

- and -

**ERNIE ISAIAH**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$1,045.00 (one thousand forty-five dollars).
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 section 45(4)(a) of the *Residential Tenancies Act*, the respondent must comply with his obligation to report household income in accordance with section 6 of his tenancy agreement.

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

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Adelle Guigon  
Deputy Rental Officer



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Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>July 28, 2015</b>
<b><u>Place of the Hearing:</u></b>	<b>Fort Simpson, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Hilda Gerlock, representing the applicant Ernie (Ernest) Isaiah, respondent</b>
<b><u>Date of Decision:</u></b>	<b>July 28, 2015</b>



### **REASONS FOR DECISION**

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Ernie 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 9802B - 102 Avenue in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for June 16, 2015.

The applicant alleged the respondent had repeatedly failed to pay the full amount of rent when due and had rental arrears. An order was sought 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. Mr. Ernie (Ernest) Isaiah appeared as respondent.

#### *Tenancy agreement*

The parties agreed and evidence was presented establishing a tenancy agreement between them for subsidized public housing at the rental premises known as 9802B - 102 Avenue in Fort Simpson, Northwest Territories. The tenancy commenced August 15, 2014. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the *Residential Tenancies Act* (the Act).

#### *Rental arrears*

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments received against the respondent's rent account. The respondent did not dispute the accuracy of the statements, acknowledging his debt and taking responsibility for it. I am satisfied the statements accurately reflect the current status of the respondent's rent account.



Section 7 and Schedule A to the written tenancy agreement specify the monthly assessed rent is due and payable on the first day of each month. The statements corroborate the applicant's claim the respondent failed to pay the full amount of assessed rents when due. The respondent did not dispute this claim. I find the respondent has repeatedly failed to comply with his obligation to pay the full amount of rent when due and has rental arrears in the amount of \$1,045.

*Reporting of household income*

Section 6 of the written tenancy agreement requires tenants to report their total household income as often and whenever required by the landlord. The parties agreed the household income was required to be reported on a monthly basis. The parties agreed the respondent had failed to report his household income for the month June 2015 on time. This was the first and only time to date the respondent was late reporting household income. I find the respondent has failed to comply with his obligation to report his household income in accordance with section 6 of his tenancy agreement.

*Termination of the tenancy agreement and eviction*

Ms. Gerlock withdrew the applicant's request for termination of the tenancy agreement and eviction.

*Order*

An order will issue requiring Mr. Ernie Isaiah to pay rental arrears in the amount of \$1,045, to pay his future rent on time, and to comply with his obligation to report his household income in accordance with section 6 of his tenancy agreement.

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Adelle Guigon  
Deputy Rental Officer



APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement dated August 15, 2014

Exhibit 2: Lease balance statement dated June 2, 2015

Exhibit 3: Applicant's correspondence to respondent dated February 18, 2015

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