

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Rosa Wright**, 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 -

**ROSA WRIGHT**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(2) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$5,626.04 (five thousand six hundred twenty-six dollars four cents) in minimum monthly installments of \$450.00 (four hundred fifty dollars) starting in August 2015 and each month thereafter until the rental arrears are paid in full.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

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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**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<br/>Rosa Wright, 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 Rosa Wright 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 10213 Antoine Drive in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for July 14, 2015.

The applicant alleged the respondent had repeatedly failed to pay the full amount of rent when due and had accumulated 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. Ms. Rosa Wright appeared as respondent.

#### *Tenancy agreement*

The parties agreed and evidence was presented establishing a tenancy agreement between them for subsidized public housing for the rental premises known as 10213 Antoine Drive in Fort Simpson, Northwest Territories. The current written tenancy agreement began April 1, 2012. 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. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

Section 7 and Schedule A to the tenancy agreement specifies the tenant's rent is due the first day of each month. The statements corroborate the applicant's claim the respondent has been repeatedly late paying her rent on time throughout the tenancy. The respondent did not dispute this claim, acknowledging and taking responsibility for the resulting arrears that have accumulated. The respondent offered a commitment to make monthly payments of \$450 towards the rental arrears in addition to the monthly assessed rents. Ms. Gerlock was responsive to this offer and consequentially agreed to withdraw the applicant's request to terminate the tenancy and evict the tenant.

I find the respondent has failed to comply with her obligation to pay the full amount of her rent when due and has accumulated rental arrears in the amount of \$5,626.04. I am satisfied the incorporation of a minimum monthly payment plan into an order for payment of the rental arrears is appropriate in the circumstances.

*Order*

An order will issue requiring Ms. Rosa Wright to pay rental arrears in the amount of \$5,626.04 in minimum monthly installments of \$450 starting in August 2015 and each month thereafter until the rental arrears are paid in full, and to pay her rent on time in the future.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement dated May 28, 2015

Exhibit 2: Applicant's correspondences to respondent dated: May 20, 2015; October 8, 2014

Exhibit 3: Rent calculation forms for April 2015 and July 2014

Exhibit 4: Lease balance statement dated July 14, 2015

Exhibit 5: Agreement to pay rental arrears signed by respondent June 16, 2015

Exhibit 6: Lease balance statement dated July 28, 2015

Exhibit 7: Residential tenancy agreement dated April 1, 2015