

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Floyd Browning 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 -

FLOYD BROWNING 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 \$13,439.00 (thirteen thousand four hundred thirty-nine 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 sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as FSP-0039, Lot 73, Plan 348, in Fort Simpson, Northwest Territories, will terminate January 31, 2016, unless at least \$4,000.00 (four thousand dollars) is paid towards his rental arrears on or before that date.

DATED at the City of Yellowknife in the Northwest Territories this 4th day of August 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Floyd Browning Isaiah**, Respondent.

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Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 29, 2015
<u>Place of the Hearing:</u>	Fort Simpson, Northwest Territories
<u>Appearances at Hearing:</u>	Hilda Gerlock, representing the applicant Hazel Isaiah, representing the respondent
<u>Date of Decision:</u>	July 29, 2015

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority as the applicant/landlord against Floyd Browning 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 FSP-0039, Lot 73, Plan 348, in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for June 17, 2015.

The applicant alleged the respondent has repeatedly failed to report household income as required and has accumulated rental arrears. An order was sought for household income to be reported, for rental arrears to be paid, for termination of the tenancy agreement, and for 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, and then adjourned to July 29, 2015. Ms. Hilda Gerlock appeared representing the applicant. Ms. Hazel Isaiah appeared representing the respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between the applicant and respondent for subsidized public housing commencing in January 2008. 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 reflect the landlord's accounting of monthly assessed rents and payments received against the respondent's rent account. Since filing of the application, the respondent has successfully reported his household income for all outstanding months to date. All rents have been assessed subsidies based on reported household income.

Ms. Isaiah did not dispute the amount of rental arrears claimed, advising that Mr. Isaiah acknowledged them to her and accepted responsibility for them. Ms. Isaiah testified she has committed to working with Mr. Isaiah to bring his financial house in order, to ensure his rental arrears are paid off and his rent is paid each month on time by setting up automatic withdrawals. Until Ms. Isaiah completes going through Mr. Isaiah's books she is unable to commit on his behalf to a minimum monthly payment amount towards his arrears, but she does believe he could reasonably have as much as \$4,000 paid towards his arrears within six months. Ms. Isaiah confirmed that Mr. Isaiah is employed full time with the Department of Transportation.

I am satisfied the lease balance statements accurately represent the status of the respondent's rent account. I find the respondent has been repeatedly late paying rent and has accumulated rental arrears in the amount of \$13,439.

Termination of the tenancy agreement and eviction

In light of the substantial amount of rental arrears and repeated failure to pay the full amount of rent when due, I find termination of the tenancy agreement justified. In consideration of the respondent's representative's commitment to work with the respondent and her assurance the respondent can resolve his arrears, I am satisfied the termination of the tenancy should be conditional on a minimum amount of payments against the rental arrears. I am not satisfied eviction is justified at this time.

Order

An order will issue requiring Mr. Floyd Browning Isaiah to pay rental arrears in the amount of \$13,439; to pay his rent on time in the future; and terminating his tenancy agreement on January 31, 2016, unless at least \$4,000 is paid towards his rental arrears on or before that date.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement dated April 1, 2012

Exhibit 2: Lease balance statement dated June 2, 2015

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

Exhibit 4: Rent calculation forms for March 2015 and January 2015

Exhibit 5: Lease balance statement dated July 14, 2015

Exhibit 6: Applicant's correspondences to respondent dated: June 2, 2015; May 20, 2015

Exhibit 7: Lease balance statement dated July 28, 2015