

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Shawna Sibbeston**, 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 -

SHAWNA SIBBESTON

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 \$2,479.15 (two thousand four hundred seventy-nine dollars fifteen cents) in minimum monthly installments of \$50.00 (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.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Shawna Sibbeston**, 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:

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-and-

SHAWNA SIBBESTON

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 Shawna Sibbeston, 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 Shawna Sibbeston as the respondent/tenant was filed by the Rental Office June 8, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as 10314A - 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 17, 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 29, 2015, in Fort Simpson, Northwest Territories. Ms. Hilda Gerlock appeared representing the applicant. Ms. Shawna Sibbeston 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 10314A - 99 Street in Fort Simpson, Northwest Territories. The tenancy agreement commenced in April 2011. 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 and acknowledged her debt to the landlord. I am satisfied the statements accurately represent the current status of the respondent's rent account.

Section 7 and Schedule A of the written tenancy agreement specify the monthly assessed rent is due and payable on the first of each month. I find the respondent has repeatedly failed to pay the full amount of rent when due and has accumulated rental arrears in the amount of \$2,479.15.

In acknowledging her responsibilities, the respondent offered a commitment to pay \$100 per month towards her rental arrears in addition to her monthly assessed rent. She cited an expectation of financial support from her extended family to meet this commitment. In the interest of ensuring the respondent would be able to meet her commitment to pay without relying on the support of others, it was agreed a commitment of \$50 per month towards the rental arrears would be more appropriate. Ms. Gerlock was receptive to including a minimum monthly installment plan into an order for payment of the rental arrears, and consequentially agreed to withdraw the applicant's requests for termination of the tenancy agreement and eviction. I am satisfied incorporating a minimum monthly payment plan into an order for payment is appropriate under the circumstances.

Order

An order will issue requiring Ms. Shawna Sibbeston to pay rental arrears in the amount of \$2,479.15 in minimum monthly installments of \$50 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.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement dated April 1, 2012

Exhibit 2: Lease balance statement dated June 3, 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: Applicant's tenant report dated July 13, 2015

Exhibit 6: Lease balance statement dated July 14, 2015

Exhibit 7: Lease balance statement dated July 28, 2015