

IN THE MATTER between **Fort Simpson Housing Authority**, Applicant, and **Jennifer Skeard**, 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 -

JENNIFER SKEARD

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 \$9,606.00 (nine thousand six hundred six dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her 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 10316A - 99 Street in Fort Simpson, Northwest Territories, will terminate January 31, 2016, unless at least \$4,000.00 (four thousand dollars) is paid towards the 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

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BETWEEN:

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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 Jennifer Skeard, 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 Jennifer Skeard 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 10316A - 99 Street in Fort Simpson, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for July 23, 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. Jennifer Skeard appeared as respondent.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized public housing commencing 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.

Ms. Gerlock confirmed she had no evidence to support two charges identified on the statements as "TD Chrg": one dated April 1, 2012, for \$70 and one dated March 31, 2014, for \$346.32. She agreed to deducting these amounts from the balance owing and the statements were adjusted accordingly. All monthly rents have been subsidized based on reported household income.

The last payment received on the rent account was made June 23, 2015, in the amount of \$1,400. Previous payments have been relatively consistent but for insufficient amounts to cover the rent and arrears. Ms. Skeard acknowledged her failure to ensure the rent is paid in full and on time, and accepted responsibility for the arrears. She testified that her partner moved in with her in February, additionally affecting the amount of subsidized rents since then, but he has begun contributing to making monthly payments. Both Ms. Skeard and her partner are employed, however, Ms. Skeard will be going on maternity leave soon and will be dependent on employment insurance for a time; she is uncertain as yet what those payments will amount to. Ms. Skeard indicated she has applied for a personal loan to resolve her arrears with.

I am satisfied the adjusted statements accurately reflect the status of the respondent's rent account. I find the respondent has repeatedly failed to pay the full amount of rent and has accumulated rental arrears in the amount of \$9,606.

Termination of the tenancy agreement and eviction

In light of the substantial amount of rental arrears and repeated failure throughout the tenancy to pay the full amount of rent when due, termination of the tenancy is justified. However, in consideration of the respondent's acceptance of responsibility for her arrears and her efforts to resolve them, I am satisfied the termination of the tenancy should be conditional on payments being made against the rental arrears. I am not satisfied eviction is justified at this time.

Order

An order will issue requiring Ms. Jennifer Skeard to pay rental arrears in the amount of \$9,606; to pay her rent on time in the future; and terminating her tenancy agreement on January 31, 2016, unless at least \$4,000 is paid towards her 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 3, 2015

Exhibit 3: Applicant's correspondence to respondent dated May 20, 2015

Exhibit 4: Rent calculation forms for April 2015, January 2015, and July 2014

Exhibit 5: Lease balance statement dated July 14, 2015

Exhibit 6: Lease balance statement dated July 28, 2015