

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Gladys Kenny**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **Adelle Guigon**, Deputy Rental Officer,
regarding a rental premises within **the community of Deline in the Northwest
Territories.**

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

GLADYS KENNY

Respondent/Tenant

ORDER and EVICTION 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 \$456.55 (four hundred fifty-six dollars fifty-five cents) in minimum monthly installments of \$155.00 (one hundred fifty-five dollars) starting in October 2015.
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 subsidized public housing will terminate December 31, 2015, unless the minimum monthly installments and rents for October, November, and December 2015 are paid on time.
4. Pursuant to sections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, if the tenancy agreement between the parties terminates December 31, 2015, in accordance with paragraph 3, the respondent will be evicted from the rental premises known as Unit 124 in Deline, Northwest Territories, on January 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 29th day of September 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Gladys Kenny**, 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:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

GLADYS KENNY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 23, 2015

Place of the Hearing: Deline, Northwest Territories, by teleconference

Appearances at Hearing: Phebie Kenny, representing the applicant
Gladys Kenny, respondent

Date of Decision: September 23, 2015

REASONS FOR DECISION

An application to a rental officer made by Deline Housing Association as the applicant/landlord against Gladys Kenny as the respondent/tenant was filed by the Rental Office August 12, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 124 in Deline, Northwest Territories. The applicant personally served a copy of the filed application on the respondent August 21, 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 September 23, 2015, in Deline, Northwest Territories. Ms. Phebie Kenny appeared representing the applicant. Ms. Gladys Kenny appeared as respondent.

Preliminary matters

The application to a rental officer identified Deline Housing Association as the landlord. The written tenancy agreement identifies the Northwest Territories Housing Corporation as the landlord with Deline Housing Association as their agent. It was agreed at hearing to amend the application and style of cause to reflect the name of the applicant/landlord as Northwest Territories Housing Corporation.

Tenancy agreement

The written tenancy agreement entered into evidence established a tenancy between the parties for subsidized public housing. There was no dispute to the validity of this agreement. 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 parties agreed and evidence was presented establishing the respondent currently carries rental arrears in the amount of \$456.55. All rents have been assessed subsidies based on reported household income, resulting in monthly rents being assessed since at least February 2014 in the amount of \$70. Payments against the rent account have been irregular and of insufficient amounts to resolve the arrears. The respondent expressed confidence in her ability to resolve her rental arrears within three months by making additional monthly payments. She agreed to make minimum monthly installment payments of \$155 in addition to her monthly assessed rent.

I am satisfied the respondent has repeatedly failed to pay the full amount of rent when due and find her in breach of her obligation do so. I find the respondent has accumulated rental arrears in the amount of \$456.55. I am satisfied incorporating a minimum monthly installment plan into an order for payment is appropriate and necessary.

Termination of the tenancy agreement and eviction

The testimony and evidence presented established a repeated pattern of the respondent failing to pay the full amount of rent when due, which the respondent did not dispute. The respondent acknowledged her rental arrears and accepted responsibility for them. In consideration of the substantial amount of rental arrears for a subsidized rent account and the repeated failure to pay rent, the applicant reiterated their request for termination of the tenancy and eviction, but conceded they would be satisfied with conditional termination and eviction orders to come into effect if the respondent fails to make the promised payments. The respondent understood this request.

I am satisfied based on the repeated failure of the respondent to pay her rent on time and the substantial amount of rental arrears that termination of the tenancy agreement and eviction are justified. In consideration of the respondent's confidence in her ability to resolve the debt and pay her rent on time, the termination and eviction orders will be conditional on successful payment of both.

Order

An order will issue requiring Ms. Gladys Kenny to pay rental arrears in the amount of \$456.55 in minimum monthly installments of \$155 starting in October 2015; to pay her rent on time in the future; terminating her tenancy agreement December 31, 2015, unless the minimum monthly installments and rents for October, November, and December 2015 are paid on time; and if the termination of the tenancy becomes effective, evicting her from the rental premises on January 1, 2016.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement dated May 1, 2012

Exhibit 2: Rent calculation forms for February 2014 to July 2015

Exhibit 3: Applicant's correspondences to respondent dated: July 14, 2015; June 29, 2015; June 16, 2015; May 28, 2015; May 11, 2015

Exhibit 4: Tenant ledger cards for rent from February 26, 2014, to July 20, 2015

Exhibit 5: Tenant ledger card for rent from April 10, 2015, to September 15, 2015