

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Margaret Lennie**, 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 **hamlet of Sachs Harbour in the
Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

MARGARET LENNIE

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 \$11,693.00 (eleven thousand six hundred ninety-three dollars).

DATED at the City of Yellowknife in the Northwest Territories this 7th day of December
2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Margaret Lennie**, Respondent.

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-and-

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Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	November 24, 2015
<u>Place of the Hearing:</u>	Sachs Harbour, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Donna Keogak, representing the applicant
<u>Date of Decision:</u>	November 24, 2015

REASONS FOR DECISION

An application to a rental officer made by Sachs Harbour Housing Association as the applicant/landlord against Margaret Lennie as the respondent/tenant was filed by the Rental Office August 31, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as SHH-0032, Lot 10, Plan 3491, in Sachs Harbour, Northwest Territories. The applicant personally served a copy of the filed application on the respondent October 9, 2015.

The applicant alleged the respondent had accumulated rental arrears and sought an order for payment. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for November 24, 2015, in Sachs Harbour, Northwest Territories. Ms. Donna Keogak appeared representing the applicant. Ms. Margaret Lennie was sent notice of the hearing by registered mail deemed served November 5, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. Lennie did not appear at hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

Preliminary matters

The application to a rental officer identified the landlord as Sachs Harbour Housing Association. The written tenancy agreement identified the landlord as Northwest Territories Housing Corporation with Sachs Harbour Housing Association as its agent. Ms. Keogak agreed the application should appropriately identify the landlord as Northwest Territories Housing Corporation. The application and style of cause going forward will reflect Northwest Territories Housing Corporation as the applicant/landlord.

Tenancy agreement

A written residential tenancy agreement entered into evidence established an agreement between the parties for subsidized public housing. The tenancy commenced in April 2012 and ended in June 2014. The rental premises was identified as SHH-0032, Lot 10, Plan 3491, in Sachs Harbour, Northwest Territories. I am satisfied a valid tenancy agreement for subsidized public housing was in place between the parties in accordance with the Act.

Extension to time for making an application

An agreement to pay rental arrears was signed by the tenant in July 2014, agreeing to make monthly payments of \$420 per month towards the rental arrears. The last payment received from the tenant was recorded December 12, 2014, in the amount of \$200. Ms. Keogak confirmed that subsequent communications discussing the accumulated arrears were had between the parties since the last payment, the most recent when the respondent was served with the application to a rental officer. Section 68(1) of the Act requires an applicant to make application within six months of the end of a tenancy. Section 68(3) allows a rental officer to extend the time for making an application where the rental officer is of the opinion it would not be unfair to do so. I am satisfied that it would not be unfair to either party to grant an extension to the time for making an application.

Rental arrears

The lease balance statement entered into evidence reflects the landlord's accounting of monthly assessed rents and payments received against the respondent's rent account. I am satisfied the statement accurately reflects the payments made against the respondent's rent account.

The maximum monthly rent of \$1,445 was applied to the months of October 2012 to January 2014 and March 2014 to May 2014; the rent for June 2014 was pro-rated for the days the respondent remained in the rental premises that month. The maximum monthly rent was applied due to the tenant's failure to report total household income.

Section 6 of the tenancy agreement requires the tenant to report tenant's income and the income of any occupant of the premises. Ms. Keogak testified to direct knowledge that Mr. Floyd Lennie is the respondent's husband and has resided with her throughout the tenancy. Mr. Lennie's income was reported for the period of October 2012 to July 2013, resulting in the application of the maximum monthly rent based on the reported total household income exceeding the maximum income threshold for subsidized public housing. Mr. Lennie's income has not been reported for the periods of August 2013 to January 2014 and March to May 2014.

Section 7 of the tenancy agreement specifies that a tenant is eligible for rent subsidies as long as they are not in breach of any of the terms of the tenancy agreement. By failing to report the total household income, the respondent is in breach of section 6 of her tenancy agreement and as such is not eligible for the rent subsidy for those months. I am satisfied that the application of the maximum monthly rent for the months the total household income reports are outstanding is appropriate, and as such I am satisfied the lease balance statement accurately reflects the current

status of the respondent's rent account.

By rental officer order number 20-13586, dated May 7, 2014, the respondent was given an opportunity to report the outstanding income. The rental officer ordered payment of rental arrears which did not include rent amounts for the months the income reports were outstanding. That order was issued for rental arrears to be paid in the amount of \$33,572.

The current lease balance statement shows the total rental arrears for all months up to June 2014 at \$45,265. By subtracting the total rental arrears granted by rental officer order number 20-13586 of \$33,572, I find the remaining accumulated rental arrears to be \$11,693. Rental officer order number 20-13586 remains in effect and enforceable.

Order

An order will issue requiring Ms. Margaret Lennie to pay rental arrears in the amount of \$11,693.

Adelle Guigon
Deputy Rental Officer

APPENDIX

Exhibits

Exhibit 1: Applicant's statement of claim

Exhibit 2: Lease balance statements printed: February 10, 2014; August 20, 2015;

Exhibit 3: Residential tenancy agreement dated March 30, 2012

Exhibit 4: Arrears payment agreement signed July 8, 2014