

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Fred Raddi**, 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 -

FRED RADDI

Respondent/Tenant

ORDER and EVICTION 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 \$14,725.00 (fourteen thousand seven hundred twenty-five 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 section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate March 31, 2016, and the respondent must vacate the rental premises on or before that date.

4. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondent will be evicted from the rental premises known as SHH-0033, Lot 26, Plan 3491, in Sachs Harbour, Northwest Territories, on April 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 30th day of November 2015.

Adelle Guigon
Deputy Rental Officer

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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 Fred Raddi as the respondent/tenant was filed by the Rental Office September 23, 2015. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as SHH-0033, Lot 26, Plan 3491, in Sachs Harbour, Northwest Territories. The applicant personally served a copy of the filed application on the respondent October 19, 2015.

The applicant alleged the respondent had accumulated rental arrears and failed to report household income. An order was sought for payment of the rental arrears, that future rent be paid on time, that household income be reported as required, termination of the tenancy agreement, and eviction. Evidence presented is listed in Appendix A attached to this order.

A hearing was scheduled for November 24, 2015, in Sachs Harbour, Northwest Territories. Donna Keogak appeared representing the applicant. Mr. Fred Raddi was sent a notice of attendance by registered mail deemed served November 5, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Raddi did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in his 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 at hearing that the application should correspond with the written tenancy agreement and identify the landlord as Northwest Territories Housing Corporation. The application and style of cause going forward will reflect Northwest Territories Housing Corporation as the landlord.

Ms. Keogak withdrew the applicant's request for an order to report household income as since filing the application the respondent has satisfied that requirement.

Tenancy agreement

The written tenancy agreement entered into evidence establishes an agreement between the parties for subsidized public housing. The tenancy agreement commenced April 1, 2012, and identified the rental premises as SHH-0033, Lot 26, Plan 3491, in Sachs Harbour, Northwest Territories. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the Act.

Rental arrears

The lease balance statements entered into evidence represent the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. They indicate that all rents have been applied subsidies based on reported household income. The last payment on the account was recorded received by ECE on October 9, 2015, in the amount of \$70; the previous payment received was recorded on August 6, 2015, in the amount of \$700. I am satisfied the lease balance statements accurately reflect the current status of the respondent's rent account. I am satisfied the respondent has repeatedly failed to pay the full amount of rent when due.

At hearing, Ms. Keogak identified the accumulated rental arrears as \$29,346.56. The updated lease balance statement forwarded to me immediately following the hearing reflects accumulated rental arrears in the amount of \$29,206.56. Finding no apparent errors to the lease balance statement, I must accept the balance of arrears as reflected on that document. I find the respondent has accumulated rental arrears in the amount of \$29,206.56.

On April 22, 2014, rental officer order #20-13577 was issued against the respondent for payment of rental arrears in the amount of \$14,481.56. That order remains enforceable and as such the amount of that order will be deducted from the total current amount of rental arrears claimed. I find the respondent has accumulated additional rental arrears since the issuance of rental officer order #20-13577 in the amount of \$14,725.

Termination of the tenancy agreement and eviction

The substantial amount of rental arrears and the respondent's repeated failure to pay the full amount of rent when due justify termination of the tenancy agreement and eviction of the respondent. Ms. Keogak reported that the respondent has been on court ordered house arrest since August 2015; the period of house arrest was ordered for eight months, expecting to end in March 2016. Ms. Keogak was not opposed to delaying the date of termination and eviction to facilitate the court order and ensure the respondent is not set up to breach the court order by being evicted from the rental premises during his house arrest. As such, the tenancy will be terminated March 31, 2016, and the tenant will be evicted April 1, 2016.

Orders

An order will issue requiring Mr. Fred Raddi to pay rental arrears in the amount of \$14,725; to pay his rent on time in the future; terminating his tenancy agreement on March 31, 2016; and evicting him from the rental premises on April 1, 2016.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's statement of claim

Exhibit 2: Residential tenancy agreement dated March 30, 2012

Exhibit 3: Respondent's income tax return information dated October 18, 2011

Exhibit 4: Lease balance statement printed August 11, 2015

Exhibit 5: Lease balance statement printed November 24, 2015