

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,  
and **Iris Catholique**, 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 **community of Lutselk'e in the Northwest  
Territories.**

BETWEEN:

**NORTHWEST TERRITORIES HOUSING CORPORATION**

Applicant/Landlord

- and -

**IRIS CATHOLIQUE**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a), 42(3)(e), and 84(3) of the *Residential Tenancies Act*, paragraph one of rental officer order number 10-14205 is rescinded and the respondent must pay to the applicant rental arrears and costs of repairs in the total amount of \$37,646.00 (thirty-seven thousand six hundred forty-six dollars).

DATED at the City of Yellowknife in the Northwest Territories this 11th day of March  
2016.

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Adelle Guigon  
Deputy Rental Officer

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Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>March 8, 2016</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, Northwest Territories</b>
<b><u>Appearances at Hearing:</u></b>	<b>Bonnie Leonardis, representing the applicant Iris Catholique, respondent</b>
<b><u>Date of Decision:</u></b>	<b>March 8, 2016</b>

### **REASONS FOR DECISION**

An application to a rental officer made by Northwest Territories Housing Corporation as the applicant/landlord against Iris Catholique as the respondent/tenant was filed by the Rental Office December 21, 2015. The application was made regarding a residential tenancy agreement for a rental premises located in Lutselk'e, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail deemed served February 11, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act).

The applicant alleged the respondent had failed to comply with a rental officer order and had accumulated rental arrears. An order was sought to rescind the previous rental officer order and order a lump sum payment of the rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 8, 2016, in Yellowknife, Northwest Territories. Ms. Bonnie Leonardis appeared representing the applicant. Ms. Iris Catholique appeared as respondent.

#### *Tenancy agreement*

The parties agreed that a residential tenancy agreement for subsidized public housing had been in place between them until the respondent vacated the rental premises on August 26, 2015. It was previously established at a hearing under rental office file number 10-14205 that the tenancy commenced August 1, 2008. I am satisfied a valid tenancy agreement for subsidized public housing was in place between the parties in accordance with the Act.

The respondent took issue with the landlord claiming she had abandoned the rental premises, indicating she had in fact given the landlord notice of her intention to vacate in late-June/early July 2015. While I appreciate the distinction the respondent is making, it is a moot point with respect to the purpose of this application.

#### *Rental arrears*

The parties agreed and evidence was submitted establishing rental arrears had accumulated to August 26, 2015, in the amount of \$33,068. The last payment made against the respondent's rent account was recorded on June 5, 2015, in the amount of \$500.

Rental officer file number 10-14205 dated September 25, 2014, ordered the respondent to pay rental arrears in the amount of \$34,316 in minimum monthly installments of \$200 commencing October 2014. The respondent did not consistently comply with this order during the remainder of her tenancy, although she was successful at making sufficient payments to reduce the balance of rental arrears.

In light of the tenancy ending and the minimum monthly payment plan not having been followed as ordered, I am satisfied that paragraph one of rental officer order number 10-14205 should be rescinded and the respondent ordered to pay the remaining rental arrears in a lump sum. I find the respondent has accumulated rental arrears in the amount of \$33,068.

*Damages*

The lease balance statement submitted into evidence included an entry on February 20, 2015, for the cost of repairs to the rental premises in the amount of \$4,578. The parties agreed at hearing these charges were for an incident when heating fuel had not been delivered to the rental premises during a brief period the respondent was away from the community, resulting in the rental premises freezing up. The respondent accepted responsibility for these damages and did not dispute the amount claimed for the cost of repairs. I am satisfied the respondent is responsible for damages to the rental premises and find the respondent liable for the cost of repairs in the amount of \$4,578.

*Order*

An order will issue rescinding paragraph one of rental officer order number 10-14205 and requiring the respondent to pay rental arrears and cost of repairs in the total amount of \$37,646.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Applicant's invoice for rent from August 1, 2008, to August 1, 2015

Exhibit 2: Applicant's correspondences to respondent dated: August 28, 2015; July 2, 2014

Exhibit 3: Email conversation between Iris Catholique and Jessica Relucio dated August 26 and August 31, 2015

Exhibit 4: Rental officer order number 10-14205 dated September 25, 2014

Exhibit 5: Lease balance statement printed March 7, 2016