

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Michael Walcer, 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**, Rental Officer, regarding a
rental premises located within the **city of Yellowknife in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

MICHAEL WALCER

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 \$320.00 (three hundred twenty 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 45(4)(a) of the *Residential Tenancies Act*, the respondent must comply with his obligation to maintain the rental premises in a state of ordinary cleanliness.

DATED at the City of Yellowknife in the Northwest Territories this 26th day of April
2016.

Adelle Guigon
Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Michael Walcer, 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-

MICHAEL WALCER

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 19, 2016
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	Ella Newhook, representing the applicant Michael Walcer, respondent
<u>Date of Decision:</u>	April 19, 2016

REASONS FOR DECISION

An application to a rental officer made by Yellowknife Housing Authority on behalf of the Northwest Territories Housing Corporation as the applicant/landlord against Michael Walcer as the respondent/tenant was filed by the Rental Office March 2, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Yellowknife, Northwest Territories. The applicant personally served a copy of the filed application on the respondent March 3, 2016.

The applicant alleged the respondent had accumulated rental arrears and had failed to keep the rental premises in a state of ordinary cleanliness. An order was sought for payment of rental arrears, future rent to be paid on time, that the rental premises be brought to a state of ordinary cleanliness, conditional termination of the tenancy agreement, and conditional eviction.

A hearing was scheduled for April 19, 2016, in Yellowknife, Northwest Territories. Ms. Ella Newhook appeared representing the applicant, with one witness in Mr. Cameron O'Keefe, the landlord's maintenance foreman. Mr. Michael Walcer appeared as respondent.

Tenancy agreement

The parties agreed and evidence was submitted establishing a subsidized public housing residential tenancy agreement between the parties for the rental premises known as #105, 5465 - 52 Street, in Yellowknife, Northwest Territories. The tenancy commenced April 1, 2012. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the *Residential Tenancies Act* (the Act).

Rental arrears

The parties agreed and evidence was presented establishing the respondent had been repeatedly late paying rent and had accumulated rental arrears. I find the respondent has accumulated rental arrears in the amount of \$320.

Ordinary Cleanliness

The applicant's representative testified that they had received complaints of a bad odour coming from the respondent's rental premises. That, along with realizing they had not in fact seen the respondent – who is a senior in his 80s – in quite a while, compelled the applicant to perform a wellness check on the respondent. Upon attending the premises, they found the respondent to be in good health but that he had let the care of the premises get out of hand. Photographs provided into evidence showed a premises filled with unorganized papers and property, piles of garbage bags, and counter tops cluttered with both clean and dirty dishes. The source of the bad odour was tracked not only to the garbage bags – of which some were leaking residue – but also to tin cans the respondent used to contain composting waste until he could dispose of it.

The respondent did not dispute the condition of the premises, acknowledging that he did let matters get out of hand and accepted responsibility for it. Since filing of the application, the parties agreed that the respondent has made substantial efforts to clean the premises up and, while there is still a ways to go, the applicant's representative recognized the efforts by withdrawing the requests to terminate the tenancy and evict the tenant. The applicant now seeks only an order that the respondent comply with his obligation to maintain the ordinary cleanliness of the rental premises. I am satisfied the respondent has failed to comply with his obligation to maintain the ordinary cleanliness of the rental premises.

Order

An order will issue requiring the respondent to pay rental arrears in the amount of \$320, to pay his future rent on time, and to comply with his obligation to maintain the ordinary cleanliness of the rental premises.

Adelle Guigon
Rental Officer