

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Corbin McKay, 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 **hamlet of Fort Resolution in the Northwest
Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

CORBIN MCKAY

Respondent/Tenant

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 \$2,746.00 (two thousand seven hundred forty-six dollars) to be paid in minimum monthly installments of \$100.00 (one hundred dollars) starting in May 2016 and each month thereafter until the rental arrears are paid in full.
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 sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate August 31, 2016, and the respondent must vacate the rental premises on or before that date, unless the monthly rents and minimum monthly installment payments for May to August 2016 have been paid on time.

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
Corbin McKay, 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-

CORBIN MCKAY

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	April 21, 2016
<u>Place of the Hearing:</u>	Fort Resolution, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Kim Beaulieu, representing the applicant Morgan Unka, representing the applicant Corbin McKay, respondent
<u>Date of Decision:</u>	April 21, 2016

REASONS FOR DECISION

An application to a rental officer made by Fort Resolution Housing Authority as the applicant/landlord against Corbin McKay 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 Fort Resolution, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for April 11, 2016.

The applicant alleged the respondent had been repeatedly late paying rent and had accumulated rental arrears. An order was sought for payment of the rental arrears, that future rent be paid on time, termination of the tenancy agreement, and eviction.

A hearing was scheduled for April 21, 2016, in Fort Resolution, Northwest Territories. The rental officer appeared by telephone. Ms. Kim Beaulieu appeared by telephone representing the applicant. Ms. Morgan Unka appeared in person representing the applicant. Mr. Corbin McKay appeared in person as respondent.

Preliminary matters

The application to a rental officer identified Fort Resolution Housing Authority as the landlord. The residential tenancy agreements identify Northwest Territories Housing Corporation as the landlord with Fort Resolution Housing Authority as its agent. The parties agreed at hearing that the landlord should appropriately be identified as Northwest Territories Housing Corporation. The style of cause going forward will identify the landlord as Northwest Territories Housing Corporation.

Tenancy agreement

The parties agreed and evidence was submitted establishing a residential tenancy agreement between the parties for subsidized public housing for a rental premises located in Fort Resolution, Northwest Territories. The tenancy commenced July 17, 2015. 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 submitted establishing the respondent had been repeatedly late paying rent since commencement of the tenancy and had accumulated rental arrears in the amount of \$2,746. The amount of rental arrears is substantial when one considers the monthly rents have all been subsidized based on reported household income; the arrears represent the equivalent of approximately 5.75 months' rent. The respondent has successfully paid his rent on time for the last three months, along with an extra amount towards his rental arrears. I am satisfied the respondent has been repeatedly late paying his rent on time, but has recently mitigated that breach of his obligations. I find the respondent has accumulated rental arrears in the amount of \$2,746.

This tenancy is the respondent's first and he is now receiving employment insurance due to his current unemployed status. He agreed to try and make monthly payments against his arrears in addition to paying his monthly subsidized rent in order to resolve his debt.

Termination of the tenancy agreement and eviction

The applicant has requested an order for termination of the tenancy agreement and eviction. Based on the substantial amount of rental arrears, I am satisfied termination of the tenancy agreement is justified, although it will be conditional on whether or not the respondent is successful at complying with his obligations to pay rent and additional minimum monthly payments towards his rental arrears on time. I am not satisfied an eviction order is justified at this time.

Order

An order will issue requiring the respondent to pay rental arrears in the amount of \$2,746 in minimum monthly installments of \$100 starting in May 2016; that he pay his future rent on time; and that his tenancy agreement will be terminated August 31, 2016, unless the monthly rents and minimum monthly installments payments for May to August 2016 are paid on time.

Adelle Guigon
Rental Officer