

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant,
and **Nellie Elanik**, 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 Aklavik in the Northwest
Territories.**

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

NELLIE ELANIK

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 \$1,050.00 (one thousand fifty dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay her rent on time in the future.

3. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondent must pay to the applicant costs of repairs to the rental premises in the amount of \$3,329.01 (three thousand three hundred twenty-nine dollars one cent).

DATED at the City of Yellowknife in the Northwest Territories this 4th day of April 2016.

Adelle Guigon
Deputy Rental Officer

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-and-

NELLIE ELANIK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 23, 2016

Place of the Hearing: Aklavik, Northwest Territories, by teleconference

Appearances at Hearing: Flora Elanik, representing the applicant

Date of Decision: March 23, 2016

REASONS FOR DECISION

An application to a rental officer made by Aklavik Housing Association as the applicant/landlord against Nellie Elanik as the respondent/tenant was filed by the Rental Office February 1, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Aklavik, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for February 11, 2016.

The applicant alleged the respondent had accumulated rental arrears and caused damages to the rental premises. An order was sought for payment of the rental arrears and costs of repairs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for March 23, 2016, in Aklavik, Northwest Territories. The rental officer appeared by teleconference. Ms. Flora Elanik appeared representing the applicant. Ms. Nellie Elanik was served with notice of the hearing by registered mail signed for March 18, 2016. The respondent did not appear at the hearing, nor did anyone appear on her behalf. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Preliminary matters

The application to a rental officer identified the landlord as Aklavik Housing Association. The written tenancy agreement identified the landlord as Northwest Territories Housing Corporation with Aklavik Housing Association as its agent. The applicant's representative agreed, and the style of cause going forward will reflect, that the landlord should appropriately be identified as Northwest Territories Housing Corporation.

Tenancy agreement

A written tenancy agreement was submitted into evidence by the applicant establishing an agreement between the parties for subsidized public housing in Aklavik, Northwest Territories. The tenancy commenced April 1, 2012. The current maximum monthly rent was established at \$1,445. The tenant initially took occupancy of the rental premises identified as Unit 175. She was subsequently transferred to Unit 171 on October 14, 2015, in accordance with section 3 of the tenancy agreement, which allows the landlord to transfer the tenant to more suitable premises at the landlord's discretion. 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 statement of account and tenant aged detail submitted into evidence by the applicant represent the landlord's accounting of monthly assessed rents, charges for repairs, and payments made against the respondent's account. All rents throughout the tenancy have been subsidized. The last payment made against the account was recorded on December 29, 2015, in the amount of \$100. I am satisfied these documents accurately reflect the payments made against the respondent's account.

A full review of the monthly rents applied against the respondent's account revealed a duplicate entry of \$70 subsidized rent for the month of July 2013. The applicant's representative was unable to explain the discrepancy. This amount was deducted from the total claimed balance owing.

A review of the payments made against the respondent's account required a separation of payments specific to rent from those specific to costs of repairs. The subsidized rent amount for all months was assessed at \$70 since October 2012. Each payment of \$70 made since October 2012 was added together. The applicant's representative confirmed that \$100 payments made since December 2014 were made on the respondent's behalf by Income Support and represented \$70 for the rent and \$30 towards rental arrears. Seven such payments were added to the \$70 payments. The resulting total amount of payments specific to the rent was deducted from the total rent for the period from October 2012 to March 2016. At hearing, in calculating the amount of rental arrears I neglected to deduct the duplicate \$70 rent charge for July 2013. I find the correct amount of rental arrears accumulated by the respondent to date is \$1,050.

Repairs

The statement of account and tenant aged detail also include charges for repairs to both rental premises. It is clear from the entries of payments against the respondent's account that the respondent was aware of the charges and was making payments specific to the costs of repairs. The first payment attributable to the costs of repairs was recorded on October 22, 2013, in the amount of \$48.50; the last payment attributable to the costs of repairs was recorded on November 27, 2015, in the amount of \$30.

The applicant submitted invoices and work orders substantiating all charges except one which was recorded on December 22, 2015, in the amount of \$356.31. All except this last one are for damages to Unit 175 occurring throughout the tenancy. Based on the information regarding the nature of the claimed damages, I am satisfied the respondent is liable for the cost of their repair, with exception to the charge from December 22, 2015, for which I have no substantiating documentation. That amount of \$356.31 will be deducted from the total balance claimed. At hearing, in calculating the amount of the costs of repairs which remained owing I erroneously deducted the duplicate \$70 rent charge for July 2013. I find the correct amount owing for the costs of repairs to Unit 175 is \$3,329.01.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$1,050; to pay her future rent on time; and to pay the remaining costs of repairs in the amount of \$3,329.01.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Residential tenancy agreement dated October 1, 2015
- Exhibit 2: Statements of account dated: December 8, 2015; May 27, 2015; March 17, 2015; January 29, 2015; September 15, 2014; June 3, 2014; May 12, 2014; January 8, 2014; October 7, 2013; September 25, 2013; September 9, 2013
- Exhibit 3: Aklavik Housing Association invoices numbered: 14616, 13357, 12759, 12135, 11701, 11527, 11419, 10423
- Exhibit 4: Northwest Territories Housing Corporation work orders numbered: RM041980; RM018554; RM010483
- Exhibit 5: Aklavik Housing Association's correspondences to respondent dated: April 28, 2015; October 16, 2014; September 29, 2014; July 25, 2014
- Exhibit 6: Aklavik Housing Association's notices to tenants
- Exhibit 7: Aklavik Housing Association's note to file dated April 24, 2014
- Exhibit 8: Aklavik Housing Association work orders numbered: WO-1,422; WO-1,283; WO-998; WO-978; WO-857
- Exhibit 9: Aklavik Housing Association's correspondence to RCMP Aklavik Detachment dated September 30, 2013
- Exhibit 10: Statement of account dated March 22, 2016
- Exhibit 11: Tenant aged detail as at March 22, 2016