

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Robert Ryan Greek, 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 **town of Norman Wells in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

ROBERT RYAN GREEK

Respondent/Tenant

ORDER and EVICTION 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 \$2,600.00 (two thousand six hundred dollars) in minimum monthly installments of \$1,200.00 (one thousand two 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 July 31, 2016, and the respondent must vacate the rental premises on or before that date, unless the rental arrears identified in paragraph 1 of this order are paid in full and the monthly rents for May, June, and July 2016 are paid on time.
4. Pursuant to sections 63(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent will be evicted from the rental premises known as 9 Marten Avenue in Norman Wells, Northwest Territories, on August 1, 2016, if the tenancy agreement is terminated in accordance with paragraph 3 of this order.

DATED at the City of Yellowknife in the Northwest Territories this 29th day of April 2016.

Adelle Guigon
Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
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AND IN THE MATTER of a hearing before **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

ROBERT RYAN GREEK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 28, 2016

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

Appearances at Hearing: Janelle Butler, representing the applicant
Amanda Galati, representing the applicant
Robert Ryan Greek, respondent

Date of Decision: April 28, 2016

REASONS FOR DECISION

An application to a rental officer made by Norman Wells Housing Authority as the applicant/landlord against Robert Greek as the respondent/tenant was filed by the Rental Office March 3, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Norman Wells, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for March 16, 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, termination of the tenancy agreement, and eviction.

A hearing was scheduled for April 28, 2016, by teleconference. Ms. Janelle Butler and Ms. Amanda Galati appeared representing the applicant. Mr. Robert Greek appeared as respondent.

Preliminary matters

The application to a rental officer identified the landlord as Norman Wells Housing Authority. The written tenancy agreement identified the landlord as Northwest Territories Housing Corporation with Norman Wells Housing Authority as its agent. The parties agreed the landlord should appropriately be identified as Northwest Territories Housing Corporation. The application to a rental officer identified the tenant as Robert Greek. Mr. Greek confirmed he is the tenant to the referenced tenancy agreement, but requested he be identified as Robert Ryan Greek to differentiate himself from other individuals with the same first and last names. The parties agreed this would be an appropriate measure to take. The style of cause on this application to a rental officer going forward will be reflected as Northwest Territories Housing Corporation v. Robert Ryan Greek.

Tenancy agreement

The parties agreed and evidence was submitted establishing a residential tenancy agreement between them for subsidized public housing under the applicant's Homeownership Entry Level Program (HELP). The tenancy commenced April 1, 2014. The maximum monthly rent was set at \$1,020, but was assessed a subsidy reducing the monthly subsidized rent to \$400. 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 rental arrears as of April 22, 2016, in the amount of \$2,600. The lease balance statement submitted into evidence reflected the last successful payment to the respondent's rent account was made November 6, 2015, and that otherwise none of the electronic funds transfer payments have been successful since October 9, 2015. There have been no additional efforts by the respondent to make payments.

The respondent expressed regret at his failure to comply with his obligations and accepted responsibility for his actions. He indicated he has been making recent efforts to turn things around and is in a position that he can commit to paying \$1,200 per month towards the rental arrears – in addition to his monthly rent – by paying \$800 every two weeks. The applicant's representatives were receptive to incorporating a payment plan into an order for payment, expressing only the concern that the respondent be in a position to satisfy this significant commitment. The respondent assured all present that he would have no trouble at all meeting this self-imposed obligation and that he wished to have the rental arrears resolved as soon as possible. I am satisfied the respondent has been repeatedly and unreasonably late paying his rent and I find he has accumulated rental arrears in the amount of \$2,600. I am further satisfied the imposition of a payment plan into an order to pay is appropriate.

Termination of the tenancy agreement and eviction

Based on the substantial amount of rental arrears and the respondent's repeated and unreasonable failure to pay his rent, I am satisfied that termination of the tenancy agreement and eviction are justified. In consideration of the respondent's acceptance of his responsibility for his actions and his commitment to resolving the arrears as quickly as possible, I am satisfied the termination of the tenancy and eviction should be conditional on the respondent's successful payment of the rental arrears in full and payment of his monthly rent on time. The applicant's were not opposed to this condition, and the respondent acknowledged the conditional termination and eviction as entirely fair under the circumstances.

Order

An order will issue requiring the respondent to pay rental arrears in the amount of \$2,600 in minimum monthly installments of \$1,200 starting in May 2016; that his future rent be paid on time; terminating his tenancy agreement on July 31, 2016, unless the rental arrears are paid in full and the monthly rents for May, June, and July 2016 are paid on time; and evicting him from the rental premises August 1, 2016, if the tenancy is terminated on July 31, 2016, in accordance with this order.

Adelle Guigon
Rental Officer