

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Bert Timbre and Freda Berreault, Respondents;

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 Liard in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

BERT TIMBRE and FREDA BERREAUULT

Respondents/Tenants

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents must pay rental arrears in the amount of \$2,975.00 (two thousand nine hundred seventy-five dollars).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties will terminate June 30, 2016, and the respondents must vacate the rental premises on or before that date.

3. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondents will be evicted from the rental premises known as Lot 289, Plan 3919, in Fort Liard, Northwest Territories, on July 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 7th day of June 2016.

Adelle Guigon
Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Bert Timbre and Freda Berreault, Respondents.

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-

BERT TIMBRE and FREDA BERREAUULT

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: June 7, 2016

Place of the Hearing: Fort Liard, Northwest Territories, by teleconference

Appearances at Hearing: John Dewar, representing the applicant
Betty Hardisty, representing the applicant

Date of Decision: June 7, 2016

REASONS FOR DECISION

An application to a rental officer made by Northwest Territories Housing Corporation as the applicant/landlord against Bert Timbre and Freda Berreault as the respondents/tenants 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 Fort Liard, Northwest Territories. The applicant personally served a copy of the filed application on the respondents April 25, 2016.

The applicant alleged the respondents had repeatedly failed to comply with rental officer order #10-14424, had repeatedly failed to pay their rent, and had accumulated rental arrears. An order was sought for payment of rental arrears, termination of the tenancy agreement, and eviction.

A hearing was scheduled for June 7, 2016, in Fort Liard, Northwest Territories. The rental officer appeared by telephone. Mr. John Dewar and Ms. Betty Hardisty appeared by telephone representing the applicant. Mr. Bert Timbre and Ms. Freda Berreault were served notices of attendance by registered mail deemed served May 23, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Neither Mr. Timbre nor Ms. Berreault appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the Act.

Tenancy agreement

The subsidized public housing residential tenancy agreement between the parties was established at the hearing before a rental officer regarding file #10-14424 on January 20, 2015. The tenancy commenced in November 2010. Paragraph 3 of rental officer order #10-14424 terminated the tenancy on February 28, 2015. The applicant's representatives confirmed that the tenancy agreement was reinstated April 1, 2015, when the respondents paid their rental arrears in full. The respondents' occupancy of the rental premises was uninterrupted. I am satisfied a valid tenancy agreement for subsidized public housing is in place between the parties in accordance with the Act.

Rental arrears

Paragraph 1 of rental officer order #10-14424 required the respondents to pay rental arrears accumulated as of January 20, 2015, in the amount of \$1,300. Paragraph 2 of that order required the respondents to pay their future rent on time.

The applicant submitted into evidence lease balance statements representing the landlord's accounting of monthly assessed rents and payments made against the respondents' rent account. All rents have been subsidized under the Homeownership Entry Level Program requirements, and been calculated at \$375 per month. I am satisfied the lease balance statement accurately reflects the current status of the respondents' rent account.

The last zero balance on the respondents' rent account was recorded on March 31, 2015. Between April 1, 2015, and June 6, 2016, the respondents made one payment of \$1,400 on August 26, 2015.

I am satisfied the respondents have repeatedly failed to pay their rent on time. I find the respondents have failed to comply with paragraph 2 of rental officer order #10-14424 and have accumulated rental arrears in the amount of \$2,975.

Termination of the tenancy agreement and eviction

The applicant's representatives confirmed that multiple efforts to communicate with the respondents have been ignored, and the respondents have not been forthcoming with initiating communication themselves.

In light of the respondents' repeated failure to make any reasonable effort to comply with their obligation to pay rent and the substantial amount of rental arrears accumulated, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue requiring the respondents to pay rental arrears in the amount of \$2,975; terminating their tenancy agreement June 30, 2016; and evicting them from the rental premises July 1, 2016.

Adelle Guigon
Rental Officer