

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and **Sabrina Gargan**, 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 **village of Fort Simpson in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

SABRINA GARGAN

Respondent/Tenant

ORDER and EVICTION 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 \$2,574.09 (two thousand five hundred seventy-four dollars nine cents).
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 respondent must vacate the rental premises on or before that date.

3. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondent will be evicted from the rental premises known as #25, 10316B - 99 Avenue, in Fort Simpson, Northwest Territories, on July 1, 2016.

DATED at the City of Yellowknife in the Northwest Territories this 15th day of June 2016.

Adelle Guigon
Rental Officer

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BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

SABRINA GARGAN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 13, 2016

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

Appearances at Hearing: Kathy Konisenta, representing the applicant

Date of Decision: June 13, 2016

REASONS FOR DECISION

An application to a rental officer made by Fort Simpson Housing Authority on behalf of the Northwest Territories Housing Corporation as the applicant/landlord against Sabrina Gargan 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 Fort Simpson, Northwest Territories. The applicant personally served a copy of the filed application on the respondent April 27, 2016.

The applicant alleged the respondent had failed to comply with a previous rental officer order, had repeatedly failed to pay rent on time, 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 June 13, 2016, in Fort Simpson. The rental officer appeared by telephone. Ms. Kathy Konisenta appeared representing the applicant. Ms. Sabrina Gargan was served notice of the hearing by registered mail deemed served June 2, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Ms. Gargan 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 Act.

Tenancy agreement

The residential tenancy agreement entered into evidence establishes an agreement between the parties for subsidized public housing commencing July 16, 2012. The tenancy was previously established at hearings for two previous rental officer orders. I am satisfied a valid tenancy agreement is in place between the parties for subsidized public housing in accordance with the Act.

Previous rental officer orders

On August 19, 2014, a rental officer ordered the respondent to pay rental arrears in the amount of \$1,925 in minimum monthly installments of \$500 starting in September 2014, to pay her future rent on time, and to report her household income in accordance with the terms of her tenancy agreement. On June 17, 2015, a rental officer found the respondent had complied with the requirement to pay her rental arrears under the previous order, but had failed to comply with the requirements to pay her future rent on time and to report her household income as required. An order was issued from that hearing for the respondent to pay additional accumulated rental arrears in the amount of \$6,175, to comply with her obligation to report household income, and not to breach that obligation again.

Rental arrears

The lease balance statements submitted by the applicant's representative represents the landlord's accounting of monthly assessed rents and payments made against the respondent's rent account. I am satisfied the statements accurately reflect the current status of the respondent's rent account.

At the June 17, 2015, hearing not all monthly rents had been assessed subsidies due to the respondent's failure to report household income. The resulting order to pay rental arrears reflected an amount including the application of maximum monthly rent. Since then, the respondent reported the missing household income and the monthly rents were reassessed for eligible subsidies. All monthly rents to date are subsidized. As of February 3, 2016, the respondent had total rental arrears in the amount of \$6,807.41 of which \$632.41 was newly accumulated since the last order.

The last payment made against the respondent's rent account by the respondent was received January 22, 2016 in the amount of \$200. The monthly subsidized rent has been assessed on average at \$365, occasionally fluctuating to \$610, \$890, and \$1,295, since June 2014. The respondent has repeatedly failed to pay the full amount of rent when due and has made no substantive payments against the accumulated rental arrears.

With the last rental officer order, the applicant successfully garnished the respondent's income from Canada Revenue Agency, receiving a payment on April 22, 2016, in the total amount of \$5,366.32. This payment satisfied the last order for the respondent to pay rental arrears. The remaining balance owing on the respondent's rent account as of May 31, 2016, is \$2,574.09, which effectively represents unpaid rent for the months of November 2015 to May 2016, plus a small portion of October 2015.

I find the respondent has failed to comply with paragraph 2 of Rental Officer Order Number 10-14154, which requires the respondent to pay her future rent on time. I find the respondent has repeatedly failed to pay the full amount of her rent on time. I find the respondent has accumulated rental arrears in the amount of \$2,574.09.

Termination of the tenancy agreement and eviction

In consideration of the repeated pattern of behaviour exhibited by the respondent with respect to complying with her obligations and the substantial amount of rental arrears that have again accumulated, I am satisfied that termination of the tenancy agreement and eviction are justified.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$2,574.09, terminating her tenancy agreement on June 30, 2016, and evicting the respondent from the rental premises on July 1, 2016.

Adelle Guigon
Rental Officer