

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Natasha Louise Sanguéz, 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 -

NATASHA LOUISE SANGUEZ

Respondent/Tenant

ORDER and EVICTION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 84(3) of the *Residential Tenancies Act*, paragraph 1 of Rental Officer Order Number 10-14156 is rescinded and the respondent must pay to the applicant rental arrears in the amount of \$30,665.73 (thirty thousand six hundred sixty-five dollars seventy-three cents).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 #7, 10102B - 99A 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

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-and-

NATASHA LOUISE SANGUEZ

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: Hilda Gerlock, 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 Natasha Louise Sanguez 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, had failed to report household income as required, 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 13, 2016, in Fort Simpson, Northwest Territories. The rental officer appeared by telephone. Ms. Hilda Gerlock appeared representing the applicant. Ms. Natasha Louise Sanguez 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. Sanguez did not appear at 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 established an agreement between the parties for subsidized public housing commencing April 1, 2012. This tenancy was established previously at the hearing regarding Rental Officer Order Number 10-14156. 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 order

Rental Officer Order Number 10-14156 was issued August 19, 2014, requiring the respondent to pay rental arrears in the amount of \$7,407 in minimum monthly instalments of \$300 starting in September 2014, requiring the respondent to pay her rent on time in the future, and requiring the respondent to report her total household income in accordance with the terms of her tenancy agreement.

Rental arrears

The lease balance statements entered into evidence by the applicant represent 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.

The rental arrears of \$7,407 established at the hearing for Rental Officer Order Number 10-14156 were calculated based on an estimate for subsidized rent for the months of April to August 2014. The respondent had failed to report her household income for the months of March to July 2014 from which the landlord would have calculated the rent subsidies, therefore the applicant had applied the maximum monthly rent during that period. Based on the respondent's indication at hearing that her income had not changed greatly since February 2014, it was agreed to apply the last assessed subsidy amount for the period while acknowledging the amounts could change depending on the actual total household income reported for the period.

The respondent did report her household income for the missing period and subsequently until May 2015. All rents up to and including June 2015 have been assessed appropriate subsidies based on reported household income. Unfortunately, the respondent has failed to report any further household income since July 2015. Repeated efforts by the landlord to obtain the necessary reports have been unsuccessful. As a result, the landlord has applied the maximum monthly rent of \$1,625 for the months of July 2015 to June 2016.

The last payment made against the respondent's rent account is recorded on February 16, 2015, in the amount of \$735. Since Rental Officer Order Number 10-14156 was issued, only seven payments have been made (including the February 16th payment) totalling \$2,210.

The respondent has failed to comply with paragraph 1 of Rental Officer Order Number 10-14156 by failing to pay the minimum monthly installments of \$300 to resolve the rental arrears. The respondent has failed to comply with paragraph 2 of Rental Officer Order Number 10-14156 by repeatedly failing to pay the full amount of her rent when it is due. Although the respondent initially complied with paragraph 3 of Rental Officer Order Number 10-14156 by reporting her outstanding household income and subsequently for a period, she has repeatedly failed to comply with this paragraph and with her obligation to report household income since July 2015. I am satisfied that the application of the maximum monthly rent since July 2015 is appropriate under the circumstances. I find the respondent has accumulated substantial rental arrears in the amount of \$30,665.73.

Termination of the tenancy agreement and eviction

The applicant's representative testified that multiple efforts have been made to communicate with the respondent, all without reply. No efforts have been made by the respondent to resolve her arrears or to comply with her obligations as a tenant, and yet she remains in occupancy of the rental premises. Under the circumstances, I am satisfied termination of the tenancy agreement and eviction are justified.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 10-14156, requiring the respondent to pay rental arrears in the amount of \$30,665.73, terminating the tenancy agreement June 30, 2016, and evicting the respondent from the rental premises July 1, 2016.

Adelle Guigon
Rental Officer