

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Allan Menacho, 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 **hamlet of Tulita in the Northwest Territories**.

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

- and -

ALLAN MENACHO

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sections 41(4)(a) and 84(3) of the *Residential Tenancies Act*, paragraph 1 of Rental Officer Order Number 20-14501 is rescinded, and the respondent must pay to the applicant rental arrears in the total amount of \$8,003.00 (eight thousand three dollars).
2. Pursuant to sections 41(4)(c) and 45(4)(e) 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 Unit #0080 in Tulita, Northwest Territories, on July 31, 2016.

4. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent must compensate the applicant for use and occupation of the rental premises at a rate of \$47.51 for each day the respondent remains in the rental premises after June 30, 2016.

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

Adelle Guigon
Rental Officer

IN THE MATTER between **Northwest Territories Housing Corporation**, Applicant, and
Allan Menacho, 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,

BETWEEN:

NORTHWEST TERRITORIES HOUSING CORPORATION

Applicant/Landlord

-and-

ALLAN MENACHO

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	June 29, 2016
<u>Place of the Hearing:</u>	Tulita, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Stella Bayha-Yallee, representing the applicant
<u>Date of Decision:</u>	June 29, 2016

REASONS FOR DECISION

An application to a rental officer made by Tulita Housing Association as the applicant/landlord against Allan Menacho as the respondent/tenant was filed by the Rental Office April 4, 2016. The application was made regarding a subsidized public housing residential tenancy agreement for a rental premises located in Tulita, Northwest Territories. The applicant personally served a copy of the filed application on the respondent April 15, 2016.

The applicant alleged the respondent had failed to comply with a rental officer order, had repeatedly failed to pay rent on time, and had accumulated rental arrears. An order was sought to rescind paragraph 1 of Rental Officer Order 20-14501, to pay rental arrears, to terminate the tenancy agreement, and to evict the respondent.

A hearing was scheduled for June 29, 2016, in Tulita, Northwest Territories. The rental officer appeared by telephone. Ms. Stella Bayha-Yallee appeared representing the applicant. Mr. Allan Menacho was served notice of the hearing by registered mail deemed served June 16, 2016, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Menacho did not appear at the hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Preliminary matters

The application to a rental officer identified the landlord as Tulita Housing Association. The tenancy agreement identified the landlord as Northwest Territories Housing Corporation with Tulita Housing Association as its agent. With agreement at the hearing, the style of cause going forward will identify the applicant/landlord as Northwest Territories Housing Corporation.

Previous orders

Rental Officer Order Number 20-10416 was regarding a previous tenancy.

Rental Officer Order Number 20-14501 was issued February 18, 2015, regarding the current tenancy. It ordered the respondent to pay rental arrears in the amount of \$3,153 in minimum monthly installments of \$200 starting in February 2015, to pay his future rent on time, and to report his household income as required under his tenancy agreement.

Rental arrears

The lease balance statements provided 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 statements corroborate the applicant's allegation that the respondent has failed to comply with paragraphs 1 and 2 of Rental Officer Order Number 20-14501 by failing to pay his rent and the minimum monthly installments on time. Additionally, the applicant testified that the respondent had failed to report his income for the months of March 2016 to present. Doing so, the respondent has failed to comply with paragraph 3 of Rental Officer Order Number 20-14501. By failing to report his income, the respondent has breached section 6 of his tenancy agreement and is not eligible for rent subsidies until he does report his income. As such, he has been appropriately assessed the maximum monthly rent of \$1,445 for the months of April to June 2016.

I am satisfied the respondent has repeatedly failed to pay his rent, has repeatedly failed to make his minimum monthly installment payments, and has repeatedly failed to report his household income in accordance with his tenancy agreement. I find the respondent has failed to comply with Rental Officer Order Number 20-14501 in its entirety and has accumulated rental arrears in the amount of \$8,003.

Termination of the tenancy agreement and eviction

In light of the respondent's failure to comply with a rental officer order, repeated failure to pay his rent, repeated failure to report his household income, and the substantial amount of rental arrears, I am satisfied that termination of the tenancy agreement and eviction are justified.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 20-14501, requiring the respondent to pay rental arrears totalling \$8,003, terminating the tenancy agreement June 30, 2016, evicting the respondent from the rental premises July 31, 2016, and requiring the respondent to compensate the applicant for use and occupation of the rental premises at a rate of \$47.51 for each day the respondent remains there after June 30, 2016.

Adelle Guigon
Rental Officer