

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,  
Applicant, and **HERBERT BEAULIEU**, 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, **HAL LOGSDON**, Rental Officer,  
regarding the rental premises at **FORT RESOLUTION NT**.

BETWEEN:

**FORT RESOLUTION HOUSING AUTHORITY**

Applicant/Landlord

- and -

**HERBERT BEAULIEU**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to sections 57(b) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 0024, Fort Resolution, NT shall be terminated on October 31, 2002 and the respondent shall vacate the premises on that date, provided the applicant and respondent have entered into a new tenancy agreement for rental premises which are appropriate for the size of the respondent's household.

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of  
September, 2002.

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Hal Logsdon  
Rental Officer

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Applicant, and **HERBERT BEAULIEU**, Respondent.

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BETWEEN:

**FORT RESOLUTION HOUSING AUTHORITY**

Applicant/Landlord

-and-

**HERBERT BEAULIEU**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** September 17, 2002

**Place of the Hearing:** Fort Resolution, NT via teleconference

**Appearances at Hearing:** Elizabeth-Ann McKay, representing the applicant  
Herbert Beaulieu, respondent

**Date of Decision:** September 17, 2002

**REASONS FOR DECISION**

The rental premises is a three bedroom house which is rented as subsidized public housing. The applicant alleged that the respondent is no longer eligible to occupy this size of unit due to his current family size. The applicant testified that the respondent was eligible for the 3-bedroom unit when it was originally allocated but that he is now living alone and does not require a unit of that size. The applicant has sent several notices to the respondent offering smaller accommodation. The applicant testified that, to date, the respondent has declined any offer to relocate to a smaller unit. The applicant indicated that a smaller unit was still available and sought an order terminating the current tenancy agreement.

The respondent testified that his brother was living with him and that he was willing to move to a smaller unit. He stated that he was unaware of the landlord's requests to relocate.

Subsidized public housing is allocated to households in accordance with family size. As the program is funded at public expense, it is important to ensure that the best use of the available housing is attained. Section 3 of the tenancy agreement between the parties reflects this principle and is, in my opinion, quite reasonable and enforceable. Section 57(b) of the *Residential Tenancies Act* also permits a rental officer to terminate a tenancy agreement when the tenant no longer meets the requirements for occupancy of the rental premises..

It is unclear why the applicant's requests have been ignored but it now appears that the

respondent is willing to move to a smaller unit and that the respondent is willing and able to enter into a new tenancy agreement for a unit of appropriate size. In my opinion, it is appropriate to terminate the tenancy agreement on October 31, 2002, provided the applicant has entered into a new tenancy agreement with the respondent or the respondent and his brother as joint tenants for a unit of appropriate size. Of course, if it is convenient with both parties to satisfy this order prior to that date, they may mutually agree to do so.

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Hal Logsdon  
Rental Officer