

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**,
Applicant, and **WAYNE SABOURIN**, 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 PROVIDENCE, NT**.

BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

- and -

WAYNE SABOURIN

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of three thousand five hundred seven dollars and fifty three cents (\$3507.53).

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of June,
2004.

Hal Logsdon
Rental Officer

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BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

-and-

WAYNE SABOURIN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 28, 2004

Place of the Hearing: Fort Providence, NT via teleconference

Appearances at Hearing: Loretta Landry, representing the applicant
Wayne Sabourin, respondent

Date of Decision: June 28, 2004

REASONS FOR DECISION

The rental premises are subsidized public housing and the rent is based on the household incomes of the occupants. The respondent was a joint tenant with two other persons who are senior citizens. The rent for the premises was based on the income of the respondent as the income from senior citizen occupants is not considered under the rent scale. The respondent has vacated the premises and the applicant seeks an order requiring the respondent to pay the alleged rent arrears.

The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$5347.53. The rent assessment for August, 2003 was \$1840 which represents the full, unsubsidized rent for the premises as per Schedule "A" of the tenancy agreement. The applicant testified that the respondent had failed to provide any income information for the previous month (July, 2003) on which to base the rent.

The respondent disputed the amount of the arrears stating that he had provided all of his pay stubs to the landlord and had written the landlord concerning the August, 2003 assessment. The applicant read the letter, dated October 10, 2003 into the record.

Prior to making the decision, I required the applicant to submit copies of the Household Income forms for July and September, 2003 and the letter from the respondent dated October 10, 2003. On receiving the documents, the applicant notified me that the assessment of \$1840 was in error.

The documents clearly indicate that the July, 2003 income had indeed been reported by the respondent but had been added to the August income report and assessed as the September rent. Therefore the tenant was not in breach of his obligation to report income and the September assessment is actually an assessment for two months.

I find the rent arrears to be \$5347.53 calculated as follows:

Arrears as per ledger	\$5347.53
Less error	<u>(1840.00)</u>
Amount owing	\$3507.53

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$3507.53.

Hal Logsdon
Rental Officer