

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **GEORGINA CHOCOLATE**, 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 **RAE-EDZO, NT**.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

GEORGINA CHOCOLATE

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 twenty six thousand nine hundred sixty seven dollars (\$26,967.00).
2. Pursuant to section 84(2) of the *Residential Tenancies Act*, the respondent may pay the rent arrears in monthly installments of no less than one hundred dollars (\$100.00), the first payment becoming due on December 1, 2004 and payable thereafter, along with the monthly assessed rent, on the first day of every month until the rent arrears are paid in full.

3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of November, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and
GEORGINA CHOCOLATE, 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.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

GEORGINA CHOCOLATE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 20, 2004 continued on November 9, 2004

Place of the Hearing: Rae-Edzo, NT

Appearances at Hearing: Robert Richardson, representing the applicant
Georgina Chocolate, respondent (August 20 only)
Narcisse Chocolate (August 20 only)

Date of Decision: November 16, 2004

REASONS FOR DECISION

The application names Georgina Chocolate and Narcisse Chocolate as respondents. The tenancy agreement is made in writing and names Georgina Chocolate as sole tenant. The style of cause of this order has been amended accordingly.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement. The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$33,748.73.

The respondent disputed the allegations stating that she had been making payments through direct deposit and a number of the payments made were not accounted for on the landlord's records. The respondent stated that she had requested copies of her bank records and would submit them to the rental officer and the applicant. The matter was adjourned to permit the respondent to access the records and provide them to the rental officer.

When the hearing was continued on November 9, 2004 the respondent failed to appear, although she was served a Notice of Attendance on October 18, 2004. The hearing was continued in her absence.

My review of the respondent's bank records indicates that deposits totalling \$1000 were made to

the landlord's account which did not appear as credits on the ledger. The applicant explained that the management of the portfolio had been transferred from the Band to the Housing Authority and the deposits had not been transferred to the Authority's account. He acknowledged that deposits of \$1000 had been made and provided an updated copy of the ledger which showed that a credit of \$1000 had been applied to the respondent's account. The ledger also indicated that the current balance of rent owing had increased to \$34,843.73 and that no payments of rent had been received since August, 2004.

I find the respondent in breach of her obligation to pay rent and find the amount owing to be \$34,843.73. A previous order (File #10-6113, filed on April 11, 2000) required the respondent to pay rent arrears of \$18,476.73. To date, only \$10,600 has been paid in satisfaction of the order, leaving an unsatisfied balance of \$7876.73. Taking into consideration the unsatisfied order, an order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$26,967.

In my opinion, the respondent should be permitted to pay the rent arrears in monthly installments. These arrears have accumulated over a long period of time with little effort on the part of the landlord to enforce collection. The order shall permit the respondent to pay the rent arrears in monthly installments of no less than \$100 along with the monthly assessed rent on the first day of every month. The first payment shall be due on December 1, 2004.

Should the respondent fail to pay the monthly installments or the monthly rent in accordance

with this order, the respondent may make a future application requesting the lump sum balance of the arrears and/or termination of the tenancy agreement.

Hal Logsdon
Rental Officer