

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **ANGELA MCKAY**, 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 -

ANGELA MCKAY

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 two thousand five hundred thirty eight dollars (\$2538.00).
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 October 1, 2004 and payable thereafter, along with the rent, on the first day of every month until the 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 7th day of
September, 2004.

Hal Logsdon
Rental Officer

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BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

-and-

ANGELA MCKAY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 24, 2004

Place of the Hearing: Fort Resolution, NT

Appearances at Hearing: Joyce Beaulieu, representing the applicant
Elizabeth-Ann McKay, representing the applicant
Angela McKay, respondent

Date of Decision: August 24, 2004

REASONS FOR DECISION

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.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$2538.

The respondent did not dispute the allegations and indicated she could pay the arrears in monthly installments of \$100, along with the assessed rent. The applicant was agreeable with the proposal. The respondent also stated that her income had changed in the months of July and August, 2004.

I find the respondent in breach of her obligation to pay rent. I find the rent arrears to be \$2538.

The respondent has an obligation to report any changes of income to the landlord in accordance with the tenancy agreement. In my opinion, the landlord has based the rent on the only available information provided by the respondent. I remind the parties that should the respondent declare and verify a change in income, the landlord is obliged to adjust the rent for that period, even if it results in a retroactive adjustment to the rent.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$2538 in monthly installments of no less than \$100. The first installment shall be paid on

October 1, 2004 along with the assessed rent. Monthly payments shall be made, along with the rent, on the first day of every month thereafter, until the rent arrears are paid in full. The monthly rent shall be paid on time.

Should the respondent fail to make monthly payments of rent and arrears in accordance with this order, the applicant may make a future application seeking the lump sum payment of any balance and/or termination of the tenancy agreement.

Hal Logsdon
Rental Officer