

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 section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of six thousand six hundred ninety one dollars (\$6691.00).

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of
September, 2004.

Hal Logsdon
Rental Officer

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Applicant/Landlord

-and-

HERBERT BEAULIEU

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
Herbert Beaulieu, 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 also alleged that the respondent no longer met the eligibility requirements to occupy a three bedroom house and sought an order terminating the tenancy agreement unless the respondent accepted a transfer to smaller accommodation.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$6691.

The applicant also provided several pieces of correspondence indicating that smaller premises had been offered to the applicant. The applicant testified that a number of other families were overcrowded in smaller units and required a three bedroom unit. The respondent occupies the premises alone. Although the correspondence indicates that the respondent agreed to a transfer, the applicant testified that he failed to relocate to another unit when one was offered.

The respondent did not dispute the rent arrears and stated that if the landlord wanted him to move out, he would do so. He did not appear interested in alternate accommodation provided by the applicant.

The premises are subsidized public housing. Units are in short supply and it is essential that

landlords managing public housing portfolios allocate units in the most efficient manner possible. Permitting small families or individuals to occupy large units while large families are overcrowded is not acceptable. Section 57(b) of the *Residential Tenancies Act* permits a rental officer to order the termination of a tenancy agreement when a tenant of subsidized public housing no longer meets the occupancy requirements.

I find the respondent in breach of his obligation to pay rent and find the rent arrears to be \$6691. An order shall issue requiring the respondent to pay the applicant the rent arrears. In the matter of termination, an order has already issued in that regard. The landlord has had ample opportunity to enforce the order by seeking an order for eviction. In my opinion, the landlord may still proceed to seek eviction of the respondent and no further order is required.

Hal Logsdon
Rental Officer