

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **HEATHER DOLAN AND DAVID KING**, Respondents;

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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

HEATHER DOLAN AND DAVID KING

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of eighteen thousand eight hundred nineteen dollars (\$18,819.00)

DATED at the City of Yellowknife, in the Northwest Territories this 24th day of July,
2004.

Hal Logsdon
Rental Officer

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and **HEATHER DOLAN AND DAVID KING**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

HEATHER DOLAN AND DAVID KING

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 20, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Mary George, representing the applicant
Angela Keppel, representing the applicant
Heather Dolan, respondent
David King, respondent

Date of Decision: July 23, 2004

REASONS FOR DECISION

The applicant alleged that the respondents had endangered the safety of other tenants in the residential complex and had misrepresented the household income. The applicant served a notice of early termination on the respondents on July 6, 2004 seeking vacant possession of the premises on July 16, 2004. The application was filed on July 7, 2004. The respondents vacated the rental premises. The applicant now seeks an order requiring the respondents to pay rent arrears which result from the reassessment of rent based on the actual household income and termination of the tenancy agreement. The premises are subsidized public housing.

The applicant provided documents verifying the household income and the details of the rent reassessment in evidence. The applicant also provided a report regarding a fire in the premises on July 2, 2004. The respondent provided a letter from a tenant in the residential complex regarding the fire.

In my opinion, the tenancy agreement was terminated when the respondents vacated the premises. There is no requirement for me to determine if the grounds for termination were sufficient or to order the termination of the tenancy agreement. The notice of early termination clearly states that if the tenant fails to vacate the premises in accordance with the notice, a rental officer will hear the matter and may issue an order terminating the tenancy agreement.

In the matter of rent, I have reviewed the income documentation and the calculations submitted

by the applicant and find them in order. I find the resultant rent arrears based on the reassessments to be \$18,819. An order shall issue requiring the respondents to pay the rent arrears to the applicant.

Hal Logsdon
Rental Officer