

IN THE MATTER between **FORT SIMPSON HOUSING AUTHORITY**, Applicant,
and **DENISE ALGER AND JASON BOURNE**, 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 **FORT SIMPSON, NT**.

BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

- and -

DENISE ALGER AND JASON BOURNE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order (File #10-7880, filed on July 9, 2004) is rescinded and the respondents shall pay the balance of rent arrears in the amount of fifteen thousand eight hundred sixty one dollars (\$15,861.00) to the applicant in lump sum.
2. Pursuant to section 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as #7 - 10102 B-99A Avenue, Fort Simpson, NT shall be terminated on October 15, 2004 and the respondents shall vacate the premises on that date, unless the rent arrears and 50% of the October, 2004 rent in the

total amount of sixteen thousand four hundred seventeen dollars (\$16,417.00) is paid in full.

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

Hal Logsdon
Rental Officer

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BETWEEN:

FORT SIMPSON HOUSING AUTHORITY

Applicant/Landlord

-and-

DENISE ALGER AND JASON BOURNE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 23, 2004

Place of the Hearing: Fort Simpson, NT via videoconference

Appearances at Hearing: Hilda Gerlock, representing the applicant
Ann McKee, representing the applicant

Date of Decision: September 23, 2004

REASONS FOR DECISION

The respondents were served with Notices of Attendance on September 13, 2004 but failed to appear at the hearing. The hearing was held in their absence.

A previous order (File #10-7880, filed on July 9, 2004) required the respondents to pay rent arrears in monthly installments of \$315 along with the monthly rent for the premises until the rent arrears were paid in full. The applicant alleged that the respondents had failed to pay any rent since the order was issued. The applicant sought an order rescinding the previous order, requiring the respondents to pay the balance of rent arrears in lump sum and terminating the tenancy agreement.

The applicant provided a statement of the rent account which indicated that no payments had been made since the previous order was issued. The only credit on the account was an adjustment to the rent assessment of \$60. The balance of rent now owing is shown to be \$15,861.

It is apparent that the respondents have no intention of paying the rent in accordance with the order. The remedy of termination appears to be the only effective remedy available to the landlord. In my opinion, there are sufficient grounds to terminate this tenancy agreement unless the full amount of the rent arrears are paid promptly.

I find the respondents in breach of their obligation to pay rent and in breach of the previous order.

An order shall issue rescinding the previous order and requiring the respondents to pay the rent arrears of \$15,861. The order shall terminate the tenancy agreement on October 15, 2004 unless the rent arrears and 50% of the October rent is paid in full. The applicant indicated that the rent for October would be assessed at \$1112 based on the current household income. Therefore the amount which is required to be paid prior to October 15 is \$16,417.

Hal Logsdon
Rental Officer