

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **CARLA SHUPARSKI**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

CARLA SHUPARSKI

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 13th day of October,
2004.

Hal Logsdon
Rental Officer

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and **CARLA SHUPARSKI**, Respondent.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

CARLA SHUPARSKI

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: October 12, 2004

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Jim White, representing the applicant
Mary George, representing the applicant
Carla Shuparski, respondent

Date of Decision: October 13, 2004

REASONS FOR DECISION

The applicant sought an order terminating the tenancy agreement between the parties on the grounds that the respondent, a tenant of subsidized public housing, no longer met the eligibility requirements for continued occupancy.

The applicant stated that the respondent's gross monthly household income exceeded the Core Need Income Threshold (CNIT) of \$3917/month. The applicant provided a copy of the Household Income Form, signed by the respondent and dated February 12, 2004, which indicated monthly gross household income of \$4250.

The policy for income eligibility for subsidized public housing is set by the Northwest Territories Housing Corporation and outlined in the Rent Scale Manual. The manual outlines *two* CNIT's, one for homeownership and one for rental and explains their use in the administration of the program:

"Rental CNITs apply for entering the subsidized rental housing program."

"Homeownership CNITs apply for exiting the subsidized rental housing program and for the Unit Condition Rent Adjustment entitlement."

In a letter to Local Housing Organizations, dated August 4, 2000 and contained in the manual, the President of the Corporation writes,

"It has recently come to the attention of the Housing Corporation that there are tenants in social housing whose income exceeds the Homeownership CNIT and there are other housing options available to them in the community. These

tenants are not eligible for subsidized rental housing and can afford the full cost of being homeowners.

Effective immediately, where alternate accommodation exists, tenants with incomes in excess of Homeownership CNITs will be required to move out of public housing."

The income eligibility criteria for subsidized public housing requires that an *applicant's* gross household income be less than the Rental CNIT and that a *tenant's* household income be less than the Homeownership CNIT. Although the rationale for using the Homeownership CNIT as a continuing income eligibility benchmark in Yellowknife is unclear to me, it is evident that the Homeownership CNIT is to be used to determine on-going income eligibility for subsidized public housing tenants. The Homeownership CNIT listed in the manual for Yellowknife is \$6625/month.

Section 57(b) of the *Residential Tenancies Act* permits a rental officer to order the termination of a tenancy agreement where a subsidized public housing tenant ceases to meet the requirements for occupancy:

- 57. Where, on the application of a landlord, a rental officer determines that**
- (a) a tenant who, as a student or a staff member was provided with living accommodation that is not exempt from this Act by an educational institution, has ceased to meet the requirement for occupancy of the living accommodation,**
 - (b) a tenant of subsidized public housing has ceased to meet the requirement for occupancy of the rental premises, or**
 - (c) a landlord and a tenant who share a bathroom or kitchen facility have had personal differences that make the continuation of the tenancy unfair to either of them,**
- the rental officer may make an order terminating the tenancy on a date specified in the order and ordering the tenant to vacate the rental premises on that date.**

As the respondent's gross household income does not exceed the Homeownership CNIT, I find no grounds to terminate this tenancy agreement by order. The application is accordingly dismissed

Hal Logsdon
Rental Officer