

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **MIKKEL PANAKTALOK**, 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 **TUKTOYAKTUK, NT**.

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

MIKKEL PANAKTALOK

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 thirteen thousand seven hundred twenty eight dollars (\$13,728.00).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 159, Tuktoyaktuk, NT, shall be terminated on August 31, 2004 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 22nd day of July,
2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **MIKKEL PANAKTALOK**, 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.

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

-and-

MIKKEL PANAKTALOK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 15, 2004

Place of the Hearing: Tuktoyaktuk, NT

Appearances at Hearing: Lucille Pokiak, representing the applicant

Date of Decision: July 15, 2004

REASONS FOR DECISION

The respondent was served with a Notice of Attendance on July 1, 2004 but failed to appear at the hearing. The hearing was held in his absence.

The applicant alleged that the respondent had breached his obligation to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement.

The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$13,942. The applicant testified that the full unsubsidized rent had been charged for the months of February, March, April, May, June and July, 2004 because the respondent had failed to provide any income information on which to base the rent. The premises are subsidized public housing.

A previous order was filed on January 28, 2000 requiring the respondent to pay rent arrears and terminating the tenancy agreement unless the order was fully satisfied. The order has still not been fully satisfied as the respondent has paid only \$1324 of the \$1538 ordered to be paid. The applicant stated that they did not enforce the termination and instead reinstated the tenancy agreement.

The ledger indicates that the respondent has not paid any rent since January, 2004. The

respondent has only made two payments totalling \$82 since July, 2002. It appears that the respondent has little intention of paying rent or reporting the household income. In my opinion, there are sufficient grounds to terminate the tenancy agreement.

I find the ledger in order and find rent arrears in the amount of \$13,942. The applicant is entitled to charge the full unsubsidized rent as the respondent provided no income information on which to base a rent geared to income. Should the respondent report income in accordance with the tenancy agreement, the applicant is obliged to adjust the rent in accordance with the rent scale.

Taking into account that the previous order is not fully satisfied, an order shall issue requiring the respondent to pay the applicant the rent which has accrued since the issuance of that order less \$214, which is the amount which may be enforced through the previous order. I calculate the amount as follows:

Previous order	\$1538
Rent paid since order	<u>(1324)</u>
Amount outstanding from previous order	\$214
Current arrears	\$13,942
Current arrears less amount O/S from previous order	\$13,728

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$13,728 and terminating the tenancy agreement on August 31, 2004.

Hal Logsdon
Rental Officer