

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **EILEEN GRUBEN**, 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 -

EILEEN GRUBEN

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 nine thousand one hundred sixty four dollars and twenty seven cents (\$9164.27).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 122, Tuktoyaktuk, NT, shall be terminated on August 31, 2004 unless the rent arrears are paid in full or the respondent reports her income to the landlord in accordance with the tenancy agreement and pays the adjusted rent balance to July 31, 2004.

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 **EILEEN GRUBEN**, 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-

EILEEN GRUBEN

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 her absence.

The applicant alleged that the respondent had breached her 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 \$9164.27. The applicant testified that the unsubsidized rent had been applied in the months of June and July, 2004 because the respondent had not provided any household income information on which to calculate the rent. The premises are subsidized public housing.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$9164.27. I find the application of the unsubsidized rent reasonable as no income information was provided by the tenant. The landlord shall, on receipt of the income information required pursuant to the tenancy agreement, recalculate the rent in accordance with the rent scale and adjust the balance owing accordingly. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are promptly paid.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$9164.27 and terminating the tenancy agreement on August 31, 2004 unless the arrears are paid

in full or the respondent reports the household income in accordance with the tenancy agreement and pays the adjusted balance to July 31, 2004.

Hal Logsdon
Rental Officer