

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **MARJORIE OVAYUAK**, 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 -

MARJORIE OVAYUAK

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 two thousand six hundred twenty one dollars (\$2621.00).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondent shall pay the applicant costs related to a call-out to open her door in the amount of seventy six dollars and four cents (\$76.04).

3. 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 81, Tuktoyaktuk, NT shall be terminated on August 31, 2004 and the respondent shall vacate the premises on that date unless the rent arrears and call-out costs in the total amount of two thousand six hundred ninety seven dollars and four cents (\$2697.04) are paid in full or the respondent reports the household income in accordance with the tenancy agreement and pays the applicant the adjusted rent arrears to July 31, 2004 and the call out costs.

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 **MARJORIE OVAYUAK**, 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-

MARJORIE OVAYUAK

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 had failed to pay for costs related to a call-out to open her door. The applicant sought an order requiring the respondent to pay the alleged rent arrears and call out costs and terminating the tenancy agreement unless the rent and costs were promptly paid.

The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$2621. The applicant testified that the full, unsubsidized rent had been applied in July, 2004 because the respondent had not provided any household income information on which to base the rent. The premises are subsidized public housing and the tenancy agreement obligates the tenant to declare the household income.

The applicant testified that the tenant had requested assistance to unlock her door and had been charged a call-out fee in the amount of \$76.04. The applicant provided a copy of the ledger in evidence.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$2621.

The tenant may file the appropriate income information with the landlord and the landlord shall

adjust the July rent to a rent geared to income in accordance with the rent scale. I find the call out charge to be reasonable. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears and the call out charge are promptly paid.

An order shall issue requiring the respondent to pay the rent arrears and call out charge in the total amount of \$2697.04 and terminating the tenancy agreement on August 31, 2004 unless those amounts are paid. The termination order shall also become void if the respondent reports her household income in accordance with the tenancy agreement on or before August 31, 2004 and pays the applicant the adjusted balance of rent owing to July 31, 2004 and the call out charge.

Hal Logsdon
Rental Officer