

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant, and **GEORGE MACKEINZO AND MARION MACKEINZO**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

GEORGE MACKEINZO AND MARION MACKEINZO

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order (File #10-8222, file on January 6, 2005) is rescinded and the respondents are ordered to pay the applicant rent arrears and rent to March 4, 2005 in the amount of five thousand forty two dollars and twenty three cents (\$5042.23).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 2037 Sissons Court, Yellowknife, NT shall be terminated on February 28, 2005 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of February, 2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant, and **GEORGE MACKEINZO AND MARION MACKEINZO**, Respondents.

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-

GEORGE MACKEINZO AND MARION MACKEINZO

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 15, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Marion Mackeinzo, respondent
Kerry King, representing the respondent

Date of Decision: February 15, 2005

REASONS FOR DECISION

The applicant alleged that the respondents had failed to pay rent arrears in accordance with a previous order and sought the lump sum payment of the arrears and termination of the tenancy agreement.

A previous order (File #10-8222) was issued on January 6, 2005 requiring the respondents to pay rent arrears of \$4332.50 in monthly installments of \$400.00 and to pay the monthly rent on time. The applicant provided a statement of the respondents' rent account which indicated that the order had been breached and that the balance of rent owing had increased to \$4878.50.

The premises are subsidized public housing. The applicant provided a declaration of the household income in evidence and testified that the monthly rent was capped at the maximum amount of \$1245.00.

The respondent's representative stated that the respondents had been servicing other debts and would be receiving counselling on budgeting. She asked that another payment plan be ordered.

There have been three previous orders regarding rent arrears or failure to pay for electricity since December 2003. In my opinion, the respondents have had ample opportunity to begin paying the rent arrears. They have failed again to meet their obligations. The household income is more than sufficient to pay the arrears in installments and certainly adequate to rent accommodation on the open market. I am certain there are numerous low income families on the waiting list who are willing

to meet their obligation to pay rent in order to live in subsidized accommodation.

The previous order shall be rescinded and the respondents shall be ordered to pay the balance of the rent arrears of \$4878.50 plus the rent for March 1 - 4, 2005 in the amount of \$163.73. The tenancy agreement shall be terminated on March 4, 2005 and the respondents shall vacate the premises on that date.

Hal Logsdon
Rental Officer