

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **SHANNON WHANE AND RAYMOND MICHEL**, 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 **RAE, NT**.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

SHANNON WHANE AND RAYMOND MICHEL

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and 41(4)(a) of the *Residential Tenancies Act*, the previous order (File #10-8102, filed on November 16, 2004) is rescinded and the respondents shall pay the applicant rent arrears in lump sum in the amount of eighteen thousand nine hundred seventy nine dollars (\$18,979.00)
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 #2 - 6 plex, Nihtl Exo Tili, Rae, NT shall be terminated on September 30, 2005 and the respondents shall vacate the premises on that date, unless the rent arrears are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of September, 2005.

Hal Logsdon
Rental Officer

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **SHANNON WHANE AND RAYMOND MICHEL**, 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.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

SHANNON WHANE AND RAYMOND MICHEL

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 1, 2005

Place of the Hearing: Rae, NT

Appearances at Hearing: Robert Richardson, representing the applicant

Date of Decision: September 1, 2005

REASONS FOR DECISION

The respondents were served with Notices of Attendance on August 18, 2005, but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent in accordance with a previous order. The applicant sought an order rescinding the previous order and requiring the respondents to pay the alleged rent arrears in lump sum and termination of the tenancy agreement. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$18,979. The ledger indicated that the full, unsubsidized rent had been charged for the month of April, 2005. The applicant testified that the full, unsubsidized rent had been charged because the respondents failed to provide any income information for that month on which to base the rent.

A previous order (File #10-8102, filed on November 16, 2004) required the respondents to pay rent arrears of \$14,686.06 in monthly payments of at least \$100 along with the assessed rent until the arrears were paid in full. The ledger evidence indicates that this order has been breached.

I find the respondents in breach of their obligation to pay rent and in breach of the previous order requiring them to pay the rent arrears in installments. I find the rent arrears to be \$18,979. An

order shall issue rescinding the previous order, requiring the respondents to pay the rent arrears of \$18,979 in lump sum, and terminating the tenancy agreement on September 30, 2005 unless the rent arrears are paid in full.

Hal Logsdon
Rental Officer