

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **DANIEL DRYBONES AND MAXINE BISHOP**, 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 -

DANIEL DRYBONES AND MAXINE BISHOP

Respondents/Tenants

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 eight thousand four hundred seventy seven dollars (\$8477.00).
2. Pursuant to section 45(4)(e) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 628B Whagwe Tili, Rae, NT shall be terminated on September 30, 2005 and the respondents shall vacate the premises on that date, unless the respondents provide a report of the household income to the applicant in accordance with the tenancy agreement.

3. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants and shall not create any disturbances in the future.
4. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

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

Hal Logsdon
Rental Officer

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R-5 (the "Act");

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BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

DANIEL DRYBONES AND MAXINE BISHOP

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 sent by registered mail to the rental premises and confirmed delivered. The respondents failed to appear at the hearing and the hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by disturbing other tenants in the residential complex. The applicant sought an order requiring the respondents to pay the alleged rent arrears and terminating 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 \$8477. The full, unsubsidized rent of \$1689/month has been assessed for the months of April, May, June, July and August, 2005. The applicant testified that the respondents had failed to provide any income information in those months on which to base the rent.

The respondents were served with a notice on January 11, 2005 regarding noise and disturbance over the Christmas holidays. They were served with a notice of early termination on February 4, 2005 due to alleged disturbances and non-payment of rent. The applicant testified that there had been no further disturbances reported since that time.

I note that almost all of the rent arrears have accumulated since April, 2005 when the balance of rent owing was only \$64. The large amount of rent owing is due not only from non-payment but because the respondents have failed to report the household income, resulting in the withdrawal of the rent subsidy. The landlord is obligated to adjust the rent to income if it is reported, but at the time of the hearing, there was no information available.

In the matter of the alleged disturbances, I am satisfied that some degree of disturbance has occurred but the evidence suggests that the disturbances have abated.

Provided no further disturbances occur and the respondents comply with their obligation to report the household income, this tenancy agreement should be permitted to continue, but the respondents must promptly provide the necessary household income information to the landlord.

I find the respondents in breach of their obligation to pay rent and find the rent arrears to be \$8477. I also find the respondents in breach of their obligation to not disturb other tenants.

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$8477 and terminating the tenancy agreement on September 30, 2005 unless the respondents report the household income in accordance with the tenancy agreement. The order shall also require the respondents to not disturb other tenants to pay future rent on time.

Hal Logsdon
Rental Officer