

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **ROSE ANN MANTLA**, 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 **RAE-EDZO, NT**.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

ROSE ANN MANTLA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to report the household income to the landlord in accordance with the tenancy agreement.
2. Pursuant to section 45(4)(e) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 264 Edzia Tili, Rae-Edzo, NT shall be terminated on January 31, 2006, unless the household income is reported in accordance with the tenancy agreement.

3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of December, 2005.

Hal Logsdon
Rental Officer

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RAE EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

ROSE ANN MANTLA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 13, 2005

Place of the Hearing: Rae-Edzo, NT

Appearances at Hearing: Robert Richardson, representing the applicant
Rose Ann Mantla, respondent
Mary Rose Koyina, interpreter

Date of Decision: December 13, 2005

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by failing to report the household income in accordance with the tenancy agreement. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement. The applicant also stated that the respondent may not be eligible to occupy the premises due to her current family size. 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 \$18,872. The full unsubsidized rent has been charged each month since May, 2005. The applicant testified that the full rent was charged because the respondent failed to provide any income information on which to base the rent.

The applicant is a senior citizen who is the sole tenant. She stated that there are six people who currently live in the premises. One is working and another is employed on a casual basis. The applicant expressed some difficulty in getting the others in the premises to provide income information to the landlord.

The ledger indicates that the rent arrears are primarily the result of the application of the full unsubsidized rent. Prior to May 1, 2005, when the full rent began to be applied the respondent was only \$124 in arrears.

Although I must find the respondent in breach of her obligation to pay rent I do not think an order to pay the rent arrears will provide any relief to the landlord at this time as it would be clearly impossible to collect. An order shall issue requiring the respondent to report the household income in accordance with the tenancy agreement, pay future rent on time and terminating the tenancy agreement on January 31, 2006 unless the household income information is provided to the landlord by that date. If the income is reported but the rent continues to be unpaid and/or the arrears are not addressed, the landlord may seek termination of the tenancy agreement as a final remedy.

Hal Logsdon
Rental Officer