

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **BOBBY WANAZAH AND SHEILA BLACK**, 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-EDZO, NT**.

BETWEEN:

**RAE-EDZO HOUSING AUTHORITY**

Applicant/Landlord

- and -

**BOBBY WANAZAH AND SHEILA BLACK**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of twenty six thousand three hundred sixty dollars (\$26,360.00).

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of February, 2006.

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Hal Logsdon  
Rental Officer

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AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

**RAE-EDZO HOUSING AUTHORITY**

Applicant/Landlord

-and-

**BOBBY WANAZAH AND SHEILA BLACK**

Respondents/Tenants

**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  
Bobby Wanazah, respondent

**Date of Decision:** January 31, 2006

**REASONS FOR DECISION**

The applicant alleged that the respondents 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 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 \$26,360. The ledger indicates that the full, unsubsidized rent has been charged each month since April, 2005. The applicant testified that the full rent had been charged because the respondents had not provided any household income information on which to calculate the rent.

The respondent stated that they had vacated the premises on December 11, 2005. The respondent disputed the amount of rent owing, stating that the previous assessments of \$134 were based on employment insurance he did not receive.

I have examined the income declarations for this tenancy and do not find any evidence to suggest that the rent has been calculated incorrectly. The rent of \$134 disputed by the respondent was based on a signed declaration and documents provided to the landlord by Mr Wanazah. If he is now saying that the declaration was inaccurate, the onus is on him to revise it and offer verification of the revised amounts.

I note that it is appropriate for a public housing landlord to charge the full unsubsidized rent when a tenant fails to provide any household income information but the landlord is obliged to revise such assessments in accordance with the rent scale should the tenant comply with their obligation to report the household income.

I find the respondents in breach of their obligation to pay rent and find the rent arrears to be \$26,360. An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$26,360. As the tenants have vacated the premises, the landlord may take possession. There is no requirement for an order terminating the tenancy agreement. Any security deposit and accrued interest held by the landlord may be applied against the satisfaction of this order.

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Hal Logsdon  
Rental Officer