

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **SALLY SMITH**, 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 -

SALLY SMITH

Respondent/Tenant

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 sixty four dollars (\$64.00).
2. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with her obligation to report the household income in accordance with the tenancy agreement.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of February, 2006.

Hal Logsdon
Rental Officer

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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-

SALLY SMITH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 24, 2006

Place of the Hearing: Rae-Edzo, NT

Appearances at Hearing: Robert Richardson, representing the applicant
Sally Smith, respondent

Date of Decision: January 24, 2006

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 between the parties.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$4120. The ledger indicates that the full, unsubsidized rent of \$2060 has been charged for the months of December, 2005 and January, 2006.

The applicant testified that the unsubsidized rent had been charged because the respondent had failed to provide any income information and noted that a notice was served on her on November 14, 2005 requesting that income information be filed prior to November 30, 2005. The notice also alleges that there is an occupant of the unit whose income has not been declared.

The respondent disputed that she had failed to declare all of the household income and provided a signed statement from Jeffery Football (the alleged occupant) stating that he was not a resident of the respondent's premises. In the statement Mr. Football states that he has been dating the respondent but maintains a residence at house 257 in Rae.

The respondent stated that she had provided Mr. Football's statement to the landlord and assumed

it would suffice to show that her income was as previously declared. She testified that her income was derived from income support and had not changed since she filed the previous household income declaration in April, 2005.

The applicant has not provided any substantive evidence to support their allegation that the respondent has not declared the entire amount of the household income. On the balance of evidence I can not find that there are occupants that the respondent has failed to include on her household income declaration.

In my opinion, she should have filed another household income form at the request of the landlord, but I see no evidence that there has been a change from the previous declaration. In my opinion, the rent for December, 2005 and January, 2006 should be assessed at \$32 and the respondent should pay the resultant rent arrears of \$64 and file a new household income form with the landlord.

I find the respondent in breach of her obligation to pay rent and find the rent arrears of \$64 calculated as follows:

Balance as at Nov 30/05	\$256.25
December/05 rent	32.00
January/06 rent	32.00
Payment	(32.00)
Payment	<u>(224.25)</u>
Balance owing applicant	\$64.00

In my opinion the termination of the tenancy agreement is not a reasonable remedy in this matter,

however an order requiring the respondent to pay the rent arrears of \$64 and to file an updated income declaration with the landlord shall issue.

Hal Logsdon
Rental Officer