

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JOSEPHINE NOJEDA AND MIGELITO OLILA**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

JOSEPHINE NOJEDA AND MIGELITO OLILA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to report the household income in accordance with the tenancy agreement.
2. Pursuant to sections 45(4)(e) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 6248 Finlayson Drive, Yellowknife, NT shall be terminated on September 29, 2006 and the respondents shall vacate the premises on that day, unless the household income is reported in accordance with Article 6 of the tenancy agreement.

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of
September, 2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JOSEPHINE NOJEDA AND MIGELITO OLILA**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

JOSEPHINE NOJEDA AND MIGELITO OLILA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 20, 2006

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julie Forget, representing the applicant
Josephine Nojeda, respondent

Date of Decision: September 20, 2006

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to report the household income. The premises are subsidized public housing.

The applicant testified that rent since April, 2006 had been based only on the income of Ms. Nojeda. The applicant stated that Mr. Olila had earned income during that period which had not been reported.

Ms. Nojeda testified that Mr. Olila did earn income during that period but could not find a number of his pay receipts.

Article 6 of the tenancy agreement requires tenants to report the household income.

6. Tenant's Income

The Tenant promises to provide the Landlord with an accurate report of the Tenant's income and the income of all the residents of the premises and shall notify the Landlord of any changes in any resident's income, in the size of the Tenant's family, or number of residents of the premises.

The requirement to accurately report the household income is essential in order to fairly assess rent in subsidized public housing. Failure to do so represents, in my opinion, a serious breach and must be corrected immediately if the tenancy agreement is to continue.

I find the respondents in breach of their obligation to report income in accordance with the tenancy agreement. An order shall issue requiring the respondents to comply with this obligation

and terminating the tenancy agreement on September 29, 2006 unless the household income has been reported in accordance with the tenancy agreement.

Hal Logsdon
Rental Officer