

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **GARTH ANDREWS**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

- and -

**GARTH ANDREWS**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to report 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 5447 - 52 Street, Yellowknife, NT shall be terminated on November 15, 2006 and the respondent shall vacate the premises on that date, unless the household income is reported in accordance with the tenancy agreement.

3. Pursuant to section 41(4)(a) and of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of four thousand four hundred eighty seven dollars and seventy eight cents (\$4487.78).

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of October, 2006.

---

Hal Logsdon  
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **GARTH ANDREWS**, 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.

BETWEEN:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

-and-

**GARTH ANDREWS**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 12, 2006**

**Place of the Hearing:**                      **Yellowknife, NT**

**Appearances at Hearing:**                      **Julie Forget, representing the applicant**

**Date of Decision:**                              **October 12, 2006**

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance sent by registered mail to the rental premises. The applicant testified that the respondent was still in possession of the premises. The respondent failed to appear at the hearing and the hearing was held in his absence.

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 premises are subsidized public housing.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$4487.78. The applicant testified that the respondent had failed to report the household income on which to base the rent for the months of July, August, September and October, 2006 and consequently the full unsubsidized rent had been charged for each of those months. The applicant provided a written declaration from the Income Security Manager in evidence, stating that respondent had not provided the required income information.

The application of the full unsubsidized rent is reasonable when a tenant of subsidized public housing fails to provide any income information on which to base the subsidized rent. I find the respondent in breach of his obligation to report the household income in accordance with the tenancy agreement and find the resultant rent arrears to be \$4487.78.

The reporting of household income is an essential part of the Public Housing Program and, in my opinion, the failure to report income is a serious breach and termination of the tenancy agreement is a reasonable remedy.

An order shall issue requiring the respondent to comply with his obligation to report the household income in accordance with the tenancy agreement and terminating the tenancy agreement on November 15, 2006 unless the household income is reported. The order shall also require the respondent to pay the applicant rent arrears in the amount of \$4487.78. If the respondent reports the income in accordance with the tenancy agreement, the applicant shall adjust the rents for July, August, September and October, 2006 based on the household income.

---

Hal Logsdon  
Rental Officer