

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **ALLEN POGOTAK AND HELEN POGOTAK**, 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 **ULUKHAKTOK, NT.**

BETWEEN:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

- and -

ALLEN POGOTAK AND HELEN POGOTAK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) & 83(2) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of four thousand eight hundred eighty five dollars (\$4885.00) in monthly installments of no less than five hundred dollars (\$500.00), payable along with the monthly rent on the first day of each month until the rent arrears are paid in full. The first payment shall be due on January 1, 2007.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 8th day of
December, 2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **ALLEN POGOTAK AND HELEN POGOTAK**, 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:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

-and-

ALLEN POGOTAK AND HELEN POGOTAK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: December 5, 2006

Place of the Hearing: Ulukhaktok, NT via teleconference

Appearances at Hearing: Karen Kitekudlak, representing the applicant
Wilma Memogana, witness for the applicant

Date of Decision: December 5, 2006

REASONS FOR DECISION

The respondents were served with a Notices of Attendance sent by registered mail to the rental premises and confirmed delivered. The respondents failed to appear at the hearing and the hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement unless the rent arrears were paid. The premises are subsidized public housing.

The applicant provided a copy of the tenant rent ledger in evidence which indicated a balance of rent owing in the amount of \$4885. The full unsubsidized rent of \$2579 was charged for December, 2006. The applicant's witness testified that the respondent had not reported any income on which to base the December, 2006 rent.

I find the respondents in breach of their obligation to pay rent and find the application of the full unsubsidized rent for December, 2006 to be reasonable. The applicant stated that they would be satisfied to continue the tenancy agreement if the monthly rent was paid plus an additional \$500/month.

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of

\$4885. The respondent may pay the rent arrears in monthly installments of no less than \$500, payable along with the monthly rent on the first day of each month until the rent arrears are paid in full. The first payment shall be due on January 1, 2007. The respondents are also ordered to pay future rent on time.

Should the respondents fail to pay the rent arrears in accordance with this order or fail to pay the monthly rent on time, the applicant may make another application seeking the full payment of any balance and termination of the tenancy agreement.

Hal Logsdon
Rental Officer