

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NIKI BETSINA**, 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 -

NIKI BETSINA

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 twelve thousand six hundred eighty four dollars and fifty seven cents (\$12,684.57).
2. Pursuant to section 45(4)(c) of the *Residential Tenancies Act*, the respondent shall pay the applicant compensation for electricity paid on her behalf in the amount of two hundred sixty two dollars and thirty two cents (\$262.32).
3. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as E309, 900 Lanky Court, Yellowknife, NT

shall be terminated on May 15, 2007 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of May, 2007.

Hal Logsdon
Rental Officer

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BETWEEN:

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Applicant/Landlord

-and-

NIKI BETSINA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 1, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julie Forget, representing the applicant

Date of Decision: May 1, 2007

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail to the rental premises and confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in her absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to report the household income, failing to pay rent and failing to pay for electricity during the term of the tenancy agreement. The applicant sought an order requiring the respondent to pay the alleged rent arrears and electrical costs and terminating the tenancy agreement between the parties. The premises are subsidized public housing.

The applicant provided a statement which indicated a balance owing in the amount of \$12,946.89. Included in this amount were two charges for electricity which were paid by the applicant on behalf of the respondent, totalling \$262.32.

The full unsubsidized rent has been charged to for the months of October, November and December, 2006 and for January, February, March, April and May, 2007. An e-mail from the Income Security Officer was provided in evidence which confirmed that the respondent had failed to provide any income information on which to base the rent for those months.

A previous order (File #10-9382, filed on March 7, 2007) required the respondent to pay rent

arrears and electricity costs and terminated the tenancy agreement on March 31, 2007 unless the rent arrears and electrical costs were paid and the respondent reported the household income in accordance with the tenancy agreement. The evidence indicates that the rent arrears and electrical costs were paid but the respondent failed to report the household income. It appears that the applicant elected to not seek eviction after March 31 and permitted the tenancy to continue.

The respondent is well aware of her obligation to report the household income, as she did so between April and September, 2006. Her rent was subsidized for those months and the applicant received their subsidy through the Income Security Program. It appears the respondent simply stopped reporting income after September, 2006. The respondent has failed to appear at either hearing, after being duly served, to offer a defence or explanation as to why the household income has not been reported. Without any information on which to base a subsidized rent, the landlord is entitled to charge the full unsubsidized rent to the tenant. I find the application of the unsubsidized rent to be reasonable and the rent arrears to be \$12,684.57.

The applicant stated that the respondent has now assumed the responsibility for the electrical account but two invoices were paid on her behalf prior to the transfer of the account. I find the electrical costs paid on behalf of the respondent to be \$262.32.

Although this tenancy agreement was previously terminated by order, it appears the landlord may have reinstated it. In my opinion, there are sufficient grounds for the tenancy to be terminated due to non-payment of rent.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$12,684.57, electrical costs of \$262.32 and terminating the tenancy agreement on May 15, 2007.

Hal Logsdon
Rental Officer