

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **VIOLA LECLAIR**, 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 -

**VIOLA LECLAIR**

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 six thousand seven hundred thirty two dollars (\$6732.00).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 3, 5024 - 53<sup>rd</sup> Street,

Yellowknife, NT shall be terminated on October 23, 2007 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of October, 2007.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **VIOLA LECLAIR**, Respondent.

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AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

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Applicant/Landlord

-and-

**VIOLA LECLAIR**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 9, 2007**

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

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

**Date of Decision:**                              **October 9, 2007**

**REASONS FOR DECISION**

The respondent was served with a Notice of Attendance sent by registered mail. On October 5, 2007, the rental officer also left a telephone message at the respondent's premises advising her of the hearing. The applicant stated that the respondent had contacted her prior to the hearing to advise that she could not personally attend the hearing but could attend via her home telephone. The rental officer attempted to contact the respondent at that telephone number but there was no answer. I am confident that the respondent was aware of the hearing and had ample opportunity to attend, either by telephone or in person. The hearing was held in the absence of the respondent.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement between the parties.

The applicant provided a statement of the rent account which indicated a balance of rent owing in the amount of \$10,865. The full, unsubsidized rent of \$1122 has been charged since May, 2007. The applicant stated that this amount was charged based on the reported household income except for October, 2007. A memo from the Income Security Officer, provided in evidence, indicated that the respondent failed to report any income information on which to calculate the October, 2007 rent.

A previous order (File #10-9740, filed on April 17, 2007) required the respondent to pay rent arrears of \$7655 and terminated the tenancy agreement on April 30, 2007 unless the rent arrears were paid in full. The applicant stated that the rent arrears named in the order were not paid in full but the landlord decided to enter into a tenancy agreement with the respondent until October 31, 2007 to permit the respondent with an opportunity to appeal the rent assessment through the Income Security Program. A memo from the Income Security Officer indicates that no appeal has been filed. Applying rent paid since the date of the previous order, I find \$4133 from the previous order remaining unpaid

Previous order	\$7655
Amount paid since that order	<u>(3522)</u>
Unsatisfied amount	\$4133

Since the date of the previous order another \$6732 in rent has come due. No payments have been made by the respondent.

May 07	\$1122
June/07	1122
July/07	1122
Aug/07	1122
Sept/07	1122
Oct/07	<u>1122</u>
Total	\$6732

I find the statement in order and find the respondent in breach of her obligation to pay rent. I find the rent arrears to be \$10,865. I find the application of the full unsubsidized rent for October, 2007 to be reasonable. Taking into account the unsatisfied balance of the previous order, an additional order shall issue requiring the respondent to pay the applicant the balance of \$6732.

In my opinion there are sufficient grounds to terminate the tenancy agreement. The respondent has made no effort to pay any rent since April, 2007. She has made no effort to attend the hearing. The landlord has been very patient, agreeing to hearing adjournments and reinstating the tenancy agreement to give the respondent the opportunity to appeal her rent assessment. In the meantime the rent arrears accumulate, no rent payments are made and no appeal filed.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$6732 and terminating the tenancy agreement on October 23, 2007.

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Hal Logsdon  
Rental Officer