

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and
RITA LAFFERTY AND SAM CHOCOLATE, 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 **BEHCHOKO, NT**.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

RITA LAFFERTY AND SAM CHOCOLATE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(e) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 622, Behchoko, NT shall be terminated on April 30, 2008 and the respondents shall vacate the premises on that date unless the household income is reported in accordance with the tenancy agreement to enable the calculation of a subsidized rent for the months of June, July, August, September, October, November and December, 2007 and January and February, 2008.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of March,
2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and
RITA LAFFERTY AND SAM CHOCOLATE, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act");

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RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

RITA LAFFERTY AND SAM CHOCOLATE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: February 21, 2008

Place of the Hearing: Behchoko, NT

Appearances at Hearing: John St. Louis, representing the applicant
Mike Keohane, representing the applicant
Rose Dryneck, representing the applicant
Sam Chocolate, respondent

Date of Decision: February 29, 2008

REASONS FOR DECISION

The applicant alleged that the respondents breached the tenancy agreement by failing to pay rent.

The applicant sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement. The premises are subsidized public housing.

The applicant provided copies of the tenant ledger which indicated a balance of rent owing in the amount of \$35,563.63. The full unsubsidized rent has been assessed for the following months:

January, 2006	August, 2006	January, 2007
June, 2007	July, 2007	August, 2007
September, 2007	October, 2007	November, 2007
December, 2007	January, 2008	February, 2008

The applicant stated that they believed the full unsubsidized rent had been assessed because the respondents had failed to provide any income information on which to calculate a subsidized rent. The latest tenancy agreement was made for a term commencing April 1, 2007 and expiring August 31, 2007.

A previous order (file #10-8777, filed on February 3, 2006) required the respondents to pay rent arrears of \$17,334.63 in installments of \$50 and to pay the monthly rent on time.

The respondent acknowledged that he had not reported the household income and did not dispute

the rent arrears.

Although in serious arrears, it appears that the respondents recognize their obligation to pay rent. The rent is not paid every month but there is a regular pattern of payments. If the rent had been calculated on the respondents' income every month, it is possible that the balance owing would have been reduced from the previous order. At present, it appears the respondents' most serious breach is the failure to report the household income. This causes a rent to be applied that is beyond the respondents' capacity to pay and deprives the landlord of the subsidy.

The applicant stated that they would be willing to continue the tenancy agreement provided the household income was reported in accordance with the tenancy agreement and the payment arrangement previously ordered (the monthly rent plus an additional \$50 each month) was regularly paid by the respondents. In my opinion, this is a reasonable arrangement. I assume the applicant will renew the tenancy agreement until at least April 30, 2008.

The previous order shall continue in effect. The respondents shall pay the monthly rent on time along with an additional payment of no less than \$50 until the rent arrears are paid in full. An order shall issue terminating the tenancy agreement on April 30, 2008 unless the respondents report the household income in accordance with the tenancy agreement to enable a subsidized rent to be calculated for the months of June, 2007 to February, 2008. Although the respondents are not required to report the household income for the other three months in which the full unsubsidized rent was applied (January and August, 2006 and January, 2007) in order to avoid

termination of the tenancy agreement, they would be well advised to do so, if possible, as this may lower the total amount of rent arrears owing.

Hal Logsdon
Rental Officer