

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and **DARLENE ROSS**, 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 **HAY RIVER, NT**.

BETWEEN:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

- and -

DARLENE ROSS

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 three thousand eight hundred eight dollars and eighty two cents (\$3808.82).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 7 Dessy Place, Hay River, NT shall be terminated on April 30, 2008 and the respondent shall vacate the premises on that date unless the rent arrears are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of April, 2008.

Hal Logsdon
Rental Officer

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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:

HAY RIVER HOUSING AUTHORITY

Applicant/Landlord

-and-

DARLENE ROSS

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 11, 2008

Place of the Hearing: Hay River, NT via teleconference

Appearances at Hearing: Willa-Jean Conroy, representing the applicant
Darlene Ross, respondent

Date of Decision: April 11, 2008

REASONS FOR DECISION

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. 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 \$3808.82. The full unsubsidized rent of \$1279 has been charged for the months of February, March and April, 2008. A Public Housing Subsidy report indicates that the February rent was based on reported household income. A statutory declaration sworn by Lori Schumann of the Income Security Program and dated April 11, 2008 indicates that the respondent did not make an application for assistance for the months of March or April, 2008.

The respondent disputed the rent stating that her spouse was working out of town and argued that his income should not be included in the household income. The rent for subsidized public housing is calculated by the Department of Education, Culture and Employment (ECE) in accordance with the *GNWT Public Housing Rental Subsidy Program*. There is an appeal process which allows a tenant to dispute the rent which has been assessed. As the February, 2008 rent was assessed by ECE in accordance with the tenancy agreement, a rental officer does not have the jurisdiction to change it. The application of the full unsubsidized rent for March and April is reasonable as the respondent failed to provide any income information on which to calculate a rent based on the household income. The respondent is free to make an appeal of the February

rent to ECE and is also entitled to have the March and April, 2008 rent recalculated based on the household income provided they report that income in accordance with the tenancy agreement.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$3808.82. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are paid in full.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$3808.82 and terminating the tenancy agreement on April 30, 2008 unless the arrears are paid in full.

This decision was made known to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer