

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **NORA MARTIN**, 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 **NDILO, NT**.

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

- and -

NORA MARTIN

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 45(4)(e) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as #903C, Ndilo, NT shall be terminated on March 31, 2009 and the respondent shall vacate the premises on that day, unless the household income is reported to the subsidy agent in accordance with article 6 of the tenancy agreement.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of January, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **NORA MARTIN**, 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.

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

NORA MARTIN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 7, 2009

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Stephan Folkers, representing the applicant
Nora Martin, respondent
Cyndi Caisse, representing the respondent

Date of Decision: January 7, 2009

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by failing to report the household income in accordance with the tenancy agreement. The applicant 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 copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$24,838.13. The full unsubsidized rent has been applied since December, 2006. The applicant stated that the respondent had not reported any income to the subsidy agent in order for a subsidized rent to be calculated.

The respondent's representative acknowledged that the respondent had failed to report the household income or pay rent but stated that the respondent was now enrolled in a course which was designed to provide her with improved life skills and support. The respondent stated that she had already made an appointment with the subsidy agent and had started to assemble the required information in order to comply with the income reporting requirements of the tenancy agreement.

In my opinion, it is not useful to order the payment of the rent at this time, as the respondent clearly lacks the means to pay this amount and will most likely be eligible for significant subsidies if she reports the household income. In my opinion it is reasonable to terminate the tenancy agreement unless the respondent complies with the income reporting requirements and

permit the parties to arrange a repayment plan based on the adjusted arrears. If they are unable to do so, another application may be filed by the landlord.

Article 6 of the written tenancy agreement sets out the obligation of the tenant.

6. Tenant's Income

The Tenant promises to provide a subsidy agent appointed by the Landlord with an accurate report of the Tenant's income, the income of any occupant of the Premises, the size of the Tenant's family, and the number of occupants residing on the Premises, whenever, an as often as, the subsidy agent requests such a report.

I find the respondent in breach of her obligation to report the household income in accordance with article 6 of the tenancy agreement. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the respondent complies with this obligation.

An order shall issue terminating the tenancy agreement on March 31, 2009 unless the respondent complies with her obligation to report the household income in accordance with article 6 of the tenancy agreement.

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

Hal Logsdon
Rental Officer