

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **SHANTELE SMITH AND ROCKY MANTLA**, 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 -

SHANTELE SMITH AND ROCKY MANTLA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of two thousand two hundred forty five dollars (\$2245.00). The respondents shall pay the rent arrears in monthly installments of no less than fifty dollars (\$50.00) due on the last day of every month until the rent arrears are paid in full. The first payment of arrears shall be due on August 31, 2009.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of August, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **RAE-EDZO HOUSING AUTHORITY**, Applicant, and **SHANTELE SMITH AND ROCKY MANTLA**, 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.

BETWEEN:

RAE-EDZO HOUSING AUTHORITY

Applicant/Landlord

-and-

SHANTELE SMITH AND ROCKY MANTLA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 31, 2009

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Robert Richardson, representing the applicant
Rose Dryneck, representing the applicant
Mary Zoe-Chocolate, witness for the applicant
Shantelle Smith, respondent

Date of Decision: August 20, 2009

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and 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 a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$17,664. The full unsubsidized rent has been applied from March 2008 to present. The applicant's witness, the subsidy agent, testified that all household income information has been submitted by the respondents but the subsidies and adjusted rents have yet to be calculated. Therefore the application of the unsubsidized rent is not reasonable as the respondents have complied with their obligation to report the household income and are entitled to a rent calculated on that amount. There was no information available at the hearing to enable me to determine rents from March, 2008 to present.

The respondent did not dispute the allegations. The parties consented to an order requiring the respondent to pay the outstanding rent arrears in monthly installments of \$50 and to pay the monthly rent on time.

I find the respondents in breach of their obligation to pay rent. Ignoring the rents from April, 2008 to present, I find rent arrears of \$2245, calculated as follows:

As per ledger - February 28/08	\$9303
less July/07 subsidy	(313)
less Aug & Sept/07 subsidies	(1830)
less Oct & Nov/07 subsidies	(1830)
less Dec/07 subsidy	(915)
less Jan & Feb/08 subsidies	(1830)
less payments	<u>(340)</u>
Total	\$2245

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$2245 in monthly installments of no less than \$50. The payments of arrears shall be due no later than the last day of every month until the arrears are paid in full and the first payment shall be due no later than August 31, 2009. In addition to the monthly payment of arrears, the respondents are also ordered to pay the monthly assessed rent on time.

Should the respondents fail to make payments of the arrears in accordance with this order or fail to pay the monthly rent on time, the applicant may file another application seeking the full payment of any balance and termination of the tenancy agreement.

Hal Logsdon
Rental Officer