

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **WAYNE GREENLAND AND BELLA GREENLAND**, 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 **FORT MCPHERSON, NT**.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

WAYNE GREENLAND AND BELLA GREENLAND

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 one thousand three hundred eighty eight dollars and forty one cents (\$1388.41).
2. Pursuant to section 45(4)(c) of the *Residential Tenancies Act*, the respondents shall pay the applicant costs for excess water consumption in the amount of six hundred eleven dollars and ninety six cents (\$611.96).
3. Pursuant to section 83(2) of the *Residential Tenancies Act* the respondents shall pay the rent arrears and excess water costs in monthly installments of no less than one hundred

dollars (\$100.00) payable no later than the last day of every month until the rent arrears and water costs are paid in full. The first payment shall be due on August 31, 2009.

4. 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 1st day of September, 2009.

Hal Logsdon
Rental Officer

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BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

-and-

WAYNE GREENLAND AND BELLA GREENLAND

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 13, 2009

Place of the Hearing: Fort McPherson, NT via teleconference

Appearances at Hearing: Shirley Wilson, representing the applicant
Wayne Greenland, respondent

Date of Decision: August 13, 2009

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by failing to pay the costs of excess water delivered to the premises. The applicant sought an order requiring the respondents to pay the alleged rent arrears and water costs and terminating the tenancy agreement between the parties. 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 \$1388.41 and a balance of water costs owing in the amount of \$611.96. The applicant testified that the respondents had agreed in writing to pay the arrears and water costs in monthly installments of \$100, along with the monthly assessed rent beginning in February, 2009. The ledger indicates that this agreement has been breached.

The applicant stated that the water charges were for extra deliveries and call-out charges. Invoices were provided by the applicant in evidence.

The respondent did not dispute the allegations but stated that the number of water deliveries permitted were not sufficient to meet his family's needs. The applicant noted that the number of weekly deliveries was dependent upon the household size and could be altered if the household size increased. She noted that the tenant was obligated to provide this information pursuant to the tenancy agreement.

The respondent offered to try again to pay the rent arrears and water costs in monthly installments of \$100 and the applicant consented to an order requiring the respondents to make payments of \$100 each month in addition to the monthly assessed rent.

I find the respondents in breach of their obligation to pay rent and their obligation to pay for excess water consumption. I find the rent arrears to be \$1388.41 and the water charges to be \$611.96.

An order shall issue requiring the respondents to pay the applicant the rent arrears and water charges in monthly installments of \$100 on the last day of every month until the rent arrears and water charges are paid in full and to pay the monthly assessed rent on time. The first payment shall be due on August 31, 2009.

Should the respondents fail to pay payments 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 owing and termination of the tenancy agreement.

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

Hal Logsdon
Rental Officer