

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and **GARY (GEORGE) VITAL**, 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 **DELINE, NT**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

GARY (GEORGE) VITAL

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of six thousand seven hundred seventy eight dollars and forty cents (\$6778.40). The respondent shall pay the rent arrears in monthly installments of no less than one hundred dollars (\$100.00) payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due no later than November 30, 2009.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay all future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of December, 2009.

Hal Logsdon
Rental Officer

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GARY (GEORGE) VITAL, Respondent.

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

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BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

GARY (GEORGE) VITAL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 25, 2009

Place of the Hearing: Deline, NT

Appearances at Hearing: Phebie Kenny, representing the applicant
Gary (George) Vital, respondent

Date of Decision: November 25, 2009

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 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 \$6778.40. The full unsubsidized rent had been applied in October, 2009. The applicant stated that she assumed that the respondent had failed to report the household income to the subsidy agent, resulting in the application of the full unsubsidized rent.

The respondent did not dispute the allegations and acknowledged that he did not file the required household income report to enable the subsidy agent to calculate the rent based on his household income. The respondent indicated that he had made arrangements to have deductions made from his pay and remitted to the landlord.

The parties consented to an order requiring the respondent to pay the monthly rent on time and to pay an additional \$100/month until the rent arrears were paid in full. The applicant withdrew the request to terminate the tenancy agreement.

I find the application of the full unsubsidized rent to be reasonable and find rent arrears in the amount of \$6778.40. An order shall issue requiring the respondent to pay the monthly assessed

rent on time and to pay the rent arrears in monthly installments of \$100 payable on the last day of every month until the rent arrears are paid in full. The first payment of arrears shall be due on November 30, 2009.

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

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

Hal Logsdon
Rental Officer