

IN THE MATTER between **RAE EDZO HOUSING AUTHORITY**, Applicant, and
MONIQUE MACKENZIE, 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 **BEHCHOKO, NT.**

BETWEEN:

RAE EDZO HOUSING AUTHORITY

Applicant/Landlord

- and -

MONIQUE MACKENZIE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of August,
2010.

Hal Logsdon
Rental Officer

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-and-

MONIQUE MACKENZIE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 16, 2010

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Rose Dryneck, representing the applicant
Monique Mackenzie, respondent
Rose Lamouelle, representing the respondent

Date of Decision: July 16, 2010

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by conducting illegal activities in the rental premises. The applicant also alleged that the respondent was over-accommodated in the present unit. 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 \$44,301.

The applicant also provided a note to file dated January 30, 2009 which stated that the respondent had been warned to stop the gambling that was occurring in her unit.

The applicant also testified that the respondent no longer needed a four bedroom house because she was now the only occupant. The applicant stated that the respondent had not been offered a smaller unit.

The respondent's representative disputed the allegations of rent arrears, stating that she believed the rent arrears were the responsibility of former tenants.

The tenancy agreement between the parties commenced on September 1, 2008 and was made for a term of four months. The tenancy agreement has been renewed on a number of occasions and the current term expires on March 31, 2011. This tenancy agreement was preceded by a tenancy agreement between the applicant and Mary Adele Mackenzie and John Mantla-Quitte as joint tenants. Although these are separate tenancy agreements, the applicant has treated them as one, transferring the balance of rent arrears at August 31, 2008 to Monique Mackenzie's account. The amount transferred, \$46,572 exceeds the alleged rent arrears attributed to the respondent. The respondent does not owe any rent to the applicant.

There is no evidence to conclude that the applicant has permitted a criminal act to occur in the rental premises or that any of her activity has disturbed other tenants.

It would appear that the respondent is occupying a unit which is considerably larger than she requires. It is essential in subsidized public housing that the inventory of units be utilized to provide housing to the greatest number of persons in need. It is not acceptable for the respondent to continue to occupy a four bedroom unit when larger families on the waiting list are overcrowded. However, it must be recognized that the respondent is in need of subsidized public housing. I am not willing to terminate her tenancy agreement unless she is offered and refuses a smaller unit. That has not occurred. The applicant may file another application seeking termination should a smaller unit be available to the respondent and the respondent refuses to relocate.

For the above reasons, I find no grounds to issue an order in this matter. The application shall be dismissed.

Hal Logsdon
Rental Officer