

IN THE MATTER between **YKDFN HOUSING DIVISION**, Applicant, and **ARCHIE DOCTOR**, 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, NWT**.

BETWEEN:

**YKDFN HOUSING DIVISION**

Applicant/Landlord

- and -

**ARCHIE DOCTOR**

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 nine thousand three hundred ninety six dollars and eighty seven cents (\$9396.87) in monthly installments of 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 on August 31, 2010.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 25th day of August, 2010.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YKDFN HOUSING DIVISION**, Applicant, and **ARCHIE DOCTOR**, 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:

**YKDFN HOUSING DIVISION**

Applicant/Landlord

-and-

**ARCHIE DOCTOR**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** August 18, 2010

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Rose Black, representing the applicant  
Archie Doctor, respondent

**Date of Decision:** August 18, 2010

**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. 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 \$11,125.87. The full unsubsidized rent of \$1729 was assessed in May, 2010. All of the remaining rent has been assessed based on the respondent's household income. There was no evidence from the subsidy agent as to why the full unsubsidized rent was applied but the applicant assumed it was because the respondent failed to provide the household income information required to set a subsidized rent.

The respondent did not dispute the allegations that he had failed to pay the rent and stated that he could pay the monthly rent plus an additional \$100/month until the rent arrears were paid.

I find the application of the full unsubsidized rent to be unreasonable as there is no direct evidence to establish why it was charged. There was no information available at the hearing to enable a determination of the May, 2010 rent. Ignoring the May, 2010 rent, I find rent arrears of \$9396.87 calculated as follows:

Balance as per ledger	\$11,125.87
Less May/10 rent	<u>(1729.00)</u>
Total	\$9396.87

I find the respondent in breach of his obligation to pay rent and find rent arrears of \$9396.87. In my opinion, the tenancy agreement should continue provided the respondent pays the monthly rent on time and pays an additional \$100/month until the rent arrears are paid in full.

An order shall issue requiring the respondent to pay the rent arrears of \$9396.87 in monthly payments of \$100 payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on August 31, 2010. The respondent is also ordered to pay the monthly rent on time.

Should the respondent fail to pay the monthly rent on time or fail to pay the rent arrears in accordance with this order, 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.

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Hal Logsdon  
Rental Officer