

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,
and **PAMELA WRIGLEY AND CHRISTINE DEJARLAIS**, Respondents;

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

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **NORMAN WELLS, NT.**

BETWEEN:

NORMAN WELLS HOUSING AUTHORITY

Applicant/Landlord

- and -

PAMELA WRIGLEY AND CHRISTINE DEJARLAIS

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to report income in accordance with Article 6 of the tenancy agreement.
2. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of six thousand three hundred six dollars (\$6306.00).
3. 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 14th day of October,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,
and **PAMELA WRIGLEY AND CHRISTINE DEJARLAIS**, 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:

NORMAN WELLS HOUSING AUTHORITY

Applicant/Landlord

-and-

PAMELA WRIGLEY AND CHRISTINE DEJARLAIS

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 26, 2011
<u>Place of the Hearing:</u>	Norman Wells, NT via teleconference
<u>Appearances at Hearing:</u>	Shelly Empey, representing the applicant Pamela Wrigley, respondent
<u>Date of Decision:</u>	October 14, 2011

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by failing to report the household income in accordance with the tenancy agreement. The applicant sought an order requiring the respondents to pay the alleged rent arrears and to report the household income. The premises are subsidized public housing.

The tenancy agreement between the parties was made in writing and commenced on October 1, 2010. Prior to that date there was a tenancy agreement for the same premises made between the applicant and Pamela Wrigley as sole tenant. That tenancy agreement was superceded more than six months before the filing of this application on June 6, 2011. The applicant has accounted for rent as if these two tenancy agreements were one, carrying over the balance from the first to the second. Section 68 of the *Residential Tenancies Act* sets a time limit on the making of an application.

68. (1) An application by a landlord or a tenant to a rental officer must be made within six months after the breach of an obligation under this Act or the tenancy agreement or the situation referred to in the application arose.

I find no reason to extend this limitation. Therefore I shall only consider rent arrears which accrued under the current tenancy agreement.

The applicant provided copies of the tenant ledgers in evidence. The full unsubsidized rent was assessed in March, April, June, July August and September, 2011. The applicant stated that the

respondents had not reported the household income to enable a subsidized rent to be calculated for those months. The respondent did not dispute the allegations.

Article 6 of the tenancy agreement sets out the tenant's obligation to report the household income.

6. Tenant's Income

The Tenant promises to provide a subsidy agent appointed by the Landlord with an accurate report of the Tenant's income, the income of any occupant of the Premises, the size of the Tenant's family, and the number of occupants residing on the Premises, whenever, and as often as, the subsidy agent requests such a report.

I find the application of the full unsubsidized rent in March, April, June, July August and September, 2011 to be reasonable but note that if the respondents report the household income, the landlord is obligated to adjust the rent based on the reported income.

The ledgers provided by the applicant contain an error regarding the rent for October, 2010. The rent was reassessed from \$211 to \$393 but the original assessment was not reversed. Correcting that error and considering the rent owing from October 1, 2010 to present, I find rent arrears of \$6303, calculated as follows:

Rent assessed (Oct 1/10 - Sept 30/11)	\$6689
Payments made (Oct 1/10 - Sept 30/11)	<u>(383)</u>
Rent owing	\$6306

An order shall issue requiring the respondents to pay the applicant rent arrears of \$6306 and to report the household income in accordance with Article 6 of the tenancy agreement.

Hal Logsdon
Rental Officer