

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **LOUISE BEAULIEU**, Respondent;

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

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

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

- and -

LOUISE BEAULIEU

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of fourteen thousand two hundred sixty six dollars (\$14,266.00).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 412, Dettah, NT shall be terminated on November 15, 2012 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 31st day of October, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **LOUISE BEAULIEU**, 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:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

LOUISE BEAULIEU

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **October 26, 2012**

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

Appearances at Hearing: **Natasha Landry, representing the applicant**

Date of Decision: **October 31, 2012**

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing there was no confirmation that the respondent had received the Notice of Attendance but a notice was left at her postal box by Canada Post on October 12, 2012 advising her of the item. A message was also left on the respondent's voice mail advising her of the date, time and location of the hearing. The applicant stated that she had personally advised the respondent of the date, time and location of the hearing and was told that the respondent would pick up the registered mail and appear. The respondent failed to appear at the hearing. In my opinion it is reasonable to deem the Notice of Attendance served pursuant to section 71(5) of the *Residential Tenancies Act*. The matter was heard in the absence of the respondent.

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 tenant ledger in evidence which indicated a balance of rent owing in the amount of \$43,013.69. The full unsubsidized rent had been applied in the months of January, February and March, 2012 but the applicant advised that income information had been submitted by the respondent to enable a subsidy to be calculated. The applicant later provided the following subsidy amounts that should be applied to the January, February and March rents.

January	\$362
February	327
March	<u>480</u>
Total	\$1169

Applying these subsidies to the balance shown on the tenant ledger results in a revised balance of \$41,844.69.

As per ledger	\$43,013.69
less subsidies	<u>(1169.00)</u>
Balance	\$41,844.69

A previous order (file #10-11584, filed on July 30, 2010) required the respondent to pay rent arrears of \$30,950.69 and terminated the tenancy agreement on August 31, 2010. The respondent remained in possession and the parties entered into another tenancy agreement in April, 2012. Since that order was issued it has only been partially satisfied, leaving an unsatisfied balance of \$27,578.69.

Previous order	\$30,950.69
June/10 subsidy applied	(1386.00)
July/10 subsidy applied	(1386.00)
23-08-10 pmt	(200.00)
27-1-12 pmt	(200.00)
20-2-12 pmt	<u>(200.00)</u>
Unsatisfied portion	\$27,578.69

I find the respondent in breach of her obligation to pay rent and find rent arrears of \$41,844.69.

Taking into account the unsatisfied balance of the previous order, I shall issue an order requiring the respondent to pay the applicant rent arrears of \$14,266 calculated as follows:

Rent arrears	\$41,844.69
Less unsatisfied portion of previous order	<u>(27,578.69)</u>
Order	\$14,266.00

In my opinion there are sufficient grounds to terminate the tenancy agreement. The respondent has made no payments of rent whatsoever since the tenancy was reinstated in April, 2012. An order shall issue terminating the tenancy agreement on November 15, 2012.

Hal Logsdon
Rental Officer