

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NICOLE ABLE**, Respondent;

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 **YELLOWKNIFE, NT.**

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

NICOLE ABLE

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 one hundred nineteen dollars and eighty three cents (\$119.83).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondent shall pay the applicant repair costs in the amount of eight hundred one dollars and thirteen cents (\$801.13).
3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act* the respondent shall pay future rent on time.

4. Pursuant to sections 45(4)(a) and 45(4)(b) of the *Residential Tenancies Act* the respondent shall comply with her obligation to report the household income in accordance with the tenancy agreement and shall not breach that obligation again.

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of December, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NICOLE ABLE**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

NICOLE ABLE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 9, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant

Date of Decision: November 9, 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 of receipt but the respondent was provided with a notice by Canada Post on October 26, 2012 indicating that she had an item to pick up. The respondent failed to appear at the hearing. In my opinion it is not unreasonable to deem the Notice of Attendance served in accordance with 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 repair costs and by failing to report the household income in accordance with the tenancy agreement. The premises are subsidized public housing. The applicant withdrew the request for orders to terminate the tenancy agreement and evict the respondent in favour of an order requiring the respondent to pay rent arrears and repair costs, pay future rent on time and to comply with the obligation to report the household income.

The respondent provided a statement of the rent account in evidence which indicated a balance of rent arrears of \$119.83. The statement also showed a balance of \$801.13 for replacement of a door damaged by the respondent. The statement also indicated that the full unsubsidized rent has been charged on a number of occasions but has now been adjusted to household income. The applicant stated that the respondent had failed to provide any household income information on those occasions to enable the calculation of a subsidized rent.

I find the statement in order and find the respondent in breach of her obligation to pay rent and her obligation to report the household income. I find the rent arrears to be \$119.83. I find the repair costs of \$801.13 to be reasonable.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$119.83, repair costs of \$801.13, to pay future rent on time and to comply with her obligation to report the household income and not breach that obligation again.

Hal Logsdon
Rental Officer