

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
KARY LYNN LAFFERTY, 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 **BEHCHOKO, NT**.

BETWEEN:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

- and -

KARY LYNN LAFFERTY

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of thirty five thousand seven hundred thirty one dollars and thirty one cents (\$35,731.31). The rent arrears shall be paid in monthly installments of two hundred dollars (\$200.00), payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on September 30, 2013.
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 13th day of
September, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
KARY LYNN LAFFERTY, 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:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

-and-

KARY LYNN LAFFERTY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 23, 2013

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Michael Keohane, representing the applicant
Kary Lynn Lafferty, respondent

Date of Decision: August 23, 2013

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondent. 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 \$37,276.31. The applicant testified that all of the rent assessments except August, 2013 had been calculated on the respondent's reported household income. The August, 2013 rent had been assessed at the full unsubsidized rate of \$1545. The applicant had no direct knowledge of how that assessment had been determined but speculated that the respondent had not provided any income information to permit a rent calculation based on income. The ledger indicates that the last payment was made on June 27, 2013.

The respondent testified that she had provided the household income information for the August rent assessment. There was no income information available at the hearing. The respondent stated that she could pay the monthly rent plus an additional \$200 every month until the rent arrears were paid in full.

The applicant accepted the respondent's proposal to pay the rent arrears and withdrew their request for an order terminating the tenancy agreement.

I am unable to determine the correct assessment for August, 2013. Ignoring that amount I find rent arrears to July 31, 2013 to be \$35,731.31. An order shall issue requiring the respondent to pay the monthly rent on time and to pay the rent arrears of \$35,731.31 in monthly installments of \$200 until the rent arrears are paid in full. The first payment of arrears shall be due on September 30, 2013.

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 remaining balance and termination of the tenancy agreement.

Hal Logsdon
Rental Officer