

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
MARY ANN TLOKKA AND LEONARD QUITTE, 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 **BEHCHOKO, NT**.

BETWEEN:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

- and -

MARY ANN TLOKKA AND LEONARD QUITTE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of thirty seven thousand one hundred eighty dollars (\$37,180.00). The rent arrears shall be paid in monthly installments of one hundred fifty dollars (\$150.00), 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 respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of
September, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
MARY ANN TLOKKA AND LEONARD QUITTE, 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:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

-and-

MARY ANN TLOKKA AND LEONARD QUITTE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 23, 2013

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Mike Keohane, representing the applicant
Mary Ann Tlokka, respondent
Leonard Quitte, respondent

Date of Decision: September 17, 2013

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent. The applicant sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondents. 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 \$41,815. The applicant sought an order for \$32,930.45 which was the difference between a previous order and the current balance indicated on the tenant ledger. A previous order (file #10-8568, filed on September 21, 2005 required the respondents to pay \$8884.55 in monthly installments of \$60).

The applicant testified that all of the rent assessments except June, July and August, 2013 had been calculated on the respondents' reported household income. The June, July and August, 2013 rents had been assessed at the full unsubsidized rate of \$1545. The applicant had no direct knowledge of how those assessments had been determined but speculated that the respondents had not provided any income information to permit a rent calculation based on income.

The respondents testified that they had provided the household income information to enable a subsidized rent to be calculated for June, July and August. There was no income information available at the hearing.

My review of the tenant ledger indicates that the previous order (file #10-8568, filed on September 21, 2005) has in fact been satisfied. I assume that the applicant considered the order to still be enforceable when it is not.

I find the application of the full unsubsidized rent to be unreasonable. On the balance of evidence it appears that the household income has been reported. Ignoring the June, July and August, 2013 rents, I find rent arrears to be \$37,180 calculated as follows:

Balance as per ledger - May 31/13	\$37,580
Payment, July 3/13	<u>(400)</u>
Rent arrears	\$37,180

The respondents stated that they could pay the monthly rent plus an additional \$150 every month until the rent arrears were paid in full. The applicant accepted the respondents' proposal to pay the rent arrears and withdrew their request for an order terminating the tenancy agreement.

An order shall issue requiring the respondents to pay the monthly rent on time and to pay the rent arrears of \$37,180 in monthly installments of \$150, payable on the last day of every month until the rent arrears are paid in full. The first payment of arrears shall be due on September 30, 2013.

Should the respondents 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