

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
ANTHONY NITSIZA AND MARY WEDAWIN, 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 **WHATI, NT**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

ANTHONY NITSIZA AND MARY WEDAWIN

Respondents/Tenants

EVICITION ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(a) of the *Residential Tenancies Act*, the respondents shall be evicted from the premises known as 1104, Whati, NT on October 31, 2013.

DATED at the City of Yellowknife, in the Northwest Territories this 24th day of
September, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
ANTHONY NITSIZA AND MARY WEDAWIN, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

ANTHONY NITSIZA AND MARY WEDAWIN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 24, 2013

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Jessica Relucio, representing the applicant
Mary Wedawin, respondent

Date of Decision: September 24, 2013

REASONS FOR DECISION

The applicant sought an order requiring the respondents to pay rent arrears, terminating the tenancy agreement and evicting the respondents. The rental premises are subsidized public housing.

The tenancy agreement between the parties was terminated by order on July 31, 2010 (file #10-11494, filed on July 13, 2010). The applicant stated that the tenancy agreement had not been reinstated or another tenancy agreement executed. The respondents have remained in possession of the premises for the past thirty eight months as overholding tenants.

The previous order also ordered the respondents to pay the applicant rent arrears of \$5605 which represented rent arrears to July 9, 2010. The applicant provided a statement in evidence which indicated a balance of rent owing in the amount of \$19,274. The statement however is not a complete record of transactions from July 9, 2010 to present. It is missing transactions from July 9, 2010 to April 12, 2012. The applicant was unable to state what rents were charged or what payments were made during this period. The applicant acknowledged that the amount of \$5605 requested was likely in error.

The applicant also submitted that the respondents were no longer eligible to receive the assistance provided by the program as they did not make sufficient income. The applicant provided no evidence of any minimum eligibility income for the program nor could she state what that threshold was.

The respondent did not dispute that the tenancy agreement had been terminated or provide any evidence that the tenancy agreement had been reinstated or a new agreement executed. She did submit that two deductions from Mr. Nitsiza's pay had been made which did not appear on the statement. The applicant stated that they had not been remitted by Mr. Nitsiza's employer.

In the "Reasons for Decision" of the previous order, it is noted that the applicant intended to enter into a tenancy agreement with Ms Wedawin as sole tenant after the joint tenancy agreement was terminated. Why the applicant failed to do this or why they did not seek an eviction order is not clear. There are no rent arrears. While there may be justification to consider some degree of compensation for use and occupation of the premises after July 30, 2010 the applicant did not seek this relief nor would I be able to calculate it based on the evidence provided. Therefore, there shall be no compensation ordered.

There is no evidence to conclude that there is a minimum income for continued eligibility or what that income threshold is. The eviction can not be granted based on eligibility.

However, the tenancy agreement was terminated by order in accordance with the Act and the respondents have not vacated. In my opinion, the eviction is justified on those grounds alone. An order shall issue evicting the respondents on October 31, 2013.

Hal Logsdon
Rental Officer