

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NEIL WOLEDGE**, 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 -

NEIL WOLEDGE

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 three thousand one hundred eighty dollars (\$3180.00).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.
3. Pursuant to section 45(4)(b) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to report household income in accordance with the tenancy agreement in the future.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of March,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **NEIL WOLEDGE**, 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-

NEIL WOLEDGE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 29, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant
Neil Woledge, respondent

Date of Decision: January 29, 2014

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by failing to report the household income in accordance with the tenancy agreement. The applicant sought an order requiring the respondent to pay the alleged rent arrears. The premises are subsidized public housing.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$3180. The applicant stated that the full unsubsidized rent had been applied in July - December, 2013 and January, 2014 because the respondent had failed to provide income information regarding his employment income. The applicant stated that since the application was filed the respondent had provided the required income information and all of the rent had been retroactively adjusted based on the household income and the approved rent scale.

The respondent disputed the allegations. He stated that his rent was supposed to be free as he was a senior citizen. He also stated that he had provided his bank deposit records to the applicant as proof of his income but the landlord had not accepted it since he began working.

The applicant stated that the rent scale was changed in 2012 which resulted in rent assessments based on income for senior citizens. She stated that the respondent had previously received only Canada Pension Plan and Old Age Security benefits which were deposited directly into his bank account. By providing his bank statement, the respondent was reporting all of his income as the

CPP and OAS were deposited in the respondent's account without source deductions. When the respondent started working however, the bank statement was no longer an accurate statement of his gross income as it only reflected the net employment income.

Because the respondent provided some income information, the applicant should not have applied the full unsubsidized rent. The assessed rent should have been based on the income which was reported even though it was inaccurate. However, the respondent was clearly in breach of his obligation to accurately report his income. The landlord's demand for full disclosure of income and their application for remedy is entirely reasonable.

While it is true that senior citizens in subsidized public housing previously paid no rent, the rent scale was amended and currently seniors are required to pay rent. The applicant provided details of the respondent's income and the calculation of the rent assessment and I am satisfied that the rent has been calculated in accordance with the approved rent scale.

I find the rent arrears to be \$3180 and I find that the respondent previously breached the tenancy agreement by failing to provide the required income information. In my opinion, termination of the tenancy agreement and eviction are not reasonable. The respondent appears to be complying with his obligation to report income and should be given an opportunity to arrange for the orderly payment of the arrears. Should he fail to do so, or fail to accurately report his income again, the applicant may file another application seeking termination and eviction.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$3180, to pay future rent on time and to report his income in accordance with the tenancy agreement in the future.

Hal Logsdon
Rental Officer