

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **FREDDIE EDWARD COLLINS**, 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 **FORT RESOLUTION, NT**.

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

FREDDIE EDWARD COLLINS

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order (file #10-13459, filed on September 12, 2013) is rescinded and the respondent is ordered to pay the applicant rent arrears in the amount of seventeen thousand four hundred eighty nine dollars (\$17,489.00).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 0004-07, Lot 153, Plan 2343, Fort Resolution, NT shall be terminated on February 15, 2015 and the respondent shall vacate the premises on that date unless the rent arrears of seventeen thousand four

hundred eighty nine dollars (\$17,489.00) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of
December, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **FREDDIE EDWARD COLLINS**, 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:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

-and-

FREDDIE EDWARD COLLINS

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 11, 2014

Place of the Hearing: Fort Resolution, NT

Appearances at Hearing: Elizabeth Ann McKay, representing the applicant
Freddie Edward Collins, respondent

Date of Decision: December 11, 2014

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement and a previous order 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 of \$17,489. The full unsubsidized rent of \$1545 has been applied in the month of December, 2014. The applicant testified that the respondent had failed to provide any income information on which to calculate a subsidized rent for that month.

There have been three orders issued against the respondent since 2002 regarding arrears of rent. The most recent order (file #10-13459, filed on September 12, 2013) ordered the respondent to pay rent arrears of \$19,219 in monthly installments of \$300. At that hearing it was also determined that the respondent had failed to report the household income on four occasions resulting in the application of the full unsubsidized rent. The respondent was ordered to comply with that obligation and report the missing income information

The respondent stated that he was trying to pay the rent and the arrears but did not want to apply for income support assistance. He stated that he had made an arrangement with the manager to apply payments toward the outstanding arrears but provided no evidence of payments made that

were not reflected on the ledger.

I find the ledger in order and find the application of the full unsubsidized rent to be reasonable. I note, however that the applicant is obligated to recalculate the rent for December, 2014 based on the household income should the applicant report the required income information. I find rent arrears of \$17,489.

At the time of the previous hearing (August 27, 2013) the rent arrears were determined to be \$19,219 which included the full unsubsidized rent for four months in 2013. While it is true that the rent arrears have been reduced by \$1730, much of that reduction was due to a recalculation of the unsubsidized rents when the respondent later reported the household income. The ledger indicates that since the last order was issued, rent payments have fallen short of rent assessments by \$3155.

Rent assessed since previous order issued	\$8785
Payments received since previous order issued	<u>(5630)</u>
Shortfall	\$3155

Essentially, no payments of rent arrears have been made by the respondent since the previous order. I find the respondent in breach of the previous order.

In my opinion there are sufficient grounds to rescind the previous order, order the full payment of the arrears and terminate the tenancy agreement unless the arrears are paid. An order shall issue rescinding the previous order, requiring the respondent to pay rent arrears of \$17,489 and terminating the tenancy agreement on February 15, 2015 unless the rent arrears are paid in full.

An eviction order to be effective on February 16, 2015 unless the rent arrears are paid in full on or before February 15, 2015 shall be issued separately.

Hal Logsdon
Rental Officer