

IN THE MATTER between **S.H.**, Applicant, and **J.H.**, 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:

**S.H.**

Applicant/Landlord

-and-

**J.H.**

Respondent/Tenant

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>June 14, 2018</b>
<b><u>Place of the Hearing:</u></b>	<b>Sachs Harbour NT via teleconference</b>
<b><u>Appearances at Hearing:</u></b>	<b>D.K., representing the applicant J.H., respondent</b>
<b><u>Date of Decision:</u></b>	<b>June 29, 2018</b>

**REASONS FOR DECISION**

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondent. The rental 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 \$32,485.71 as at January 1, 2018. The applicant testified that since that date no rent payments had been made and rents for February (\$790), March (\$790), April (\$790), May (\$790) and June (\$790) had come due bringing the balance owing to \$36,435.71.

A previous order (File #15270, filed on November 16, 2016) ordered the payment of \$9010 in monthly installments of \$70, along with the monthly rent until the rent arrears were paid in full. In finding rent arrears of \$9010, the rental officer used the expected household income because the respondent had not yet filed her income tax return for 2015. There is still uncertainty as to the status of the respondent's 2015 income tax. The respondent appears to think she has filed the appropriate tax returns but the applicant does not appear to have received them. In my opinion, it remains appropriate to consider the minimum rent of \$70 for the months of June, 2016 to June 2017 subject to revision.

The previous order also terminated the tenancy agreement on May 31, 2017 unless the monthly rents and the minimum monthly installments were paid on time. Although the respondent paid the rent and installments in accordance with the order for a few months, she ceased paying altogether. The tenancy agreement was therefore terminated on May 31, 2017.

There is no indication that another tenancy agreement has been executed, however the applicant has been charging a subsidized rent of \$790 since July 2017 suggesting she is eligible as a tenant for the subsidy and has reported her income for that period. The full unsubsidized rent would normally be applied to an overholding tenant. I shall assume that the tenancy agreement was reinstated on June 1, 2017.

I find rent arrears of \$18,560 calculated as follows:

Balance at November 16/16 (previous order)	\$9010
Rent, Dec.1/16 - June 30/17 @ \$70/month	490
Payments	(420)
Rent, July 1/17 - June 30/18 @ \$790/month	<u>9480</u>
Total	\$18,560

Taking into consideration the previous order, another order shall issue requiring the respondent to pay the applicant \$9550 and to pay future rent on time. The order shall terminate the tenancy agreement on September 30, 2018 unless the monthly assessed rents have been paid for the months of July, August and September plus at least \$250 of the rent arrears. An eviction order will become effective on October 1, 2018 unless the ordered amounts have been paid in full on or before September 30, 2018.

The respondent shall also be ordered to ensure the income information is provided to the applicant in accordance with section 6 of the tenancy agreement for the months June, 2016 to June, 2017. I urge the Housing Association and the Housing Corporation to assist the applicant with accurate information concerning acceptable forms of income reporting and verification.

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Hal Logsdon  
Rental Officer