

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARK JOHNSON**, 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,
regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

MARK JOHNSON

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 four thousand nine hundred seventy four dollars and sixty six cents (\$4974.66).
2. Pursuant to section 83(2) of the *Residential Tenancies Act*, the respondent shall pay the rent arrears in monthly installments of no less than one hundred fifty dollars (\$150.00). The first payment shall be due on February 20, 2007 and thereafter payments shall be made no later than the 20th day of every month until the rent arrears are paid in full.

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3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 29th day of January, 2007.

Rental Officer

Hal Logsdon

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BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

MARK JOHNSON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 18, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julie Forget, representing the applicant

Date of Decision: January 18, 2007

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail to the rental premises. The applicant stated that the respondent was still in possession. The respondent attended the Rental Office on January 9, 2007 to inquire why we were sending him registered mail. He was advised of the time, date and place of the hearing and told the mail was his written notice to attend. The respondent failed to appear at the hearing and the hearing was held in his absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent. The applicant stated that a payment plan had been arranged with the respondent but he had not made payments in accordance with the plan. The applicant sought an order that the alleged rent arrears be paid in accordance with the agreed upon plan which was \$150/month, payable on the 20th day of each month. 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 \$4974.66. The ledger indicates that the full unsubsidized rent of \$1577 was applied in the months of December, 2006 and January, 2007. The applicant stated that no income had been reported on which to base the rent for those months and provided an e-mail from the Income Security Officer in evidence supporting her statement.

The applicant also stated that when the respondent was transferred to the current premises, repair costs for the former premises in the amount of \$3701.66 were added to the rent account.

I find the ledger in order and find the respondent in breach of his obligation to pay rent. I find the application of the full unsubsidized rent for December, 2006 and January, 2007 to be reasonable. Applying payments and subsidies first to repair costs, I find rent arrears in the amount of \$4974.66.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$4974.66. The respondent should note that if the household income is reported in accordance with the tenancy agreement, the full unsubsidized rent shall be adjusted to income. The respondent shall pay the rent arrears in monthly installments of no less than \$150.00. The first payment shall be due on February 20, 2007 and thereafter payments shall be made no later than the 20th day of every month until the rent arrears are paid in full. The respondent shall also pay the monthly assessed rent on time.

Should the respondent fail to pay the rent arrears in accordance with this order or fail to pay the monthly rent on time, the applicant may file another application seeking the payment of any remaining balance and termination of the tenancy agreement.

Hal Logsdon
Rental Officer