

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
MELINDA MACCAULEY, 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 **TULITA, NT**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

MELINDA MACCAULEY

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 six hundred eight dollars (\$4608.00).
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 Unit 0054, Tulita, NT shall be terminated on November 21, 2008 and the respondent shall vacate the premises on that date, unless the rent arrears in the amount of four thousand six hundred eight dollars (\$4608.00) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 30th day of October,
2008.

Hal Logsdon
Rental Officer

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MELINDA MACCAULEY, Respondent.

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BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

MELINDA MACCAULEY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **October 28, 2008**

Place of the Hearing: **Tulita, NT via teleconference**

Appearances at Hearing: **Helen Squirrel, representing the applicant**

Date of Decision: **October 30, 2008**

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail. Because no confirmation had been received that the respondent had picked up the item, the rental officer attempted to contact the respondent by telephone on October 27, 2008. A message was left on the respondent's voice mail indicating the date, time and place of the hearing. The respondent failed to appear at the hearing and the hearing was held in her absence.

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. 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 \$4608. A previous order (file #20-7663, filed on January 13, 2004) required the respondent to pay rent arrears in monthly installments. When that order was breached the applicant filed another application which resulted in an order (file # 20-7972, filed on November 24, 2004) rescinding the previous order, requiring the respondent to pay the rent arrears in lump sum and terminating the tenancy agreement unless the arrears were paid in full by December 15, 2004. The applicant stated that the tenancy terminated and the respondent vacated the premises. The applicant stated that the respondent subsequently paid the outstanding arrears and the parties entered into the present tenancy agreement.

I find the ledger in order and find the respondent in breach of her obligation to pay rent. I find the rent arrears to be \$4608. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are paid in full. I am confident that the respondent is aware of her obligation to pay the rent and understands the consequences of ignoring that obligation.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$4608 and terminating the tenancy agreement on November 21, 2008 unless those arrears are paid in full.

Hal Logsdon
Rental Officer