

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and  
**JONAS 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 -

**JONAS 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 forty three thousand ten dollars (\$43,010.00).

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

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Hal Logsdon  
Rental Officer

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**JONAS 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.

BETWEEN:

**TULITA HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**JONAS 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**  
   **Lee-Ann Yakeleya, witness for the applicant**

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

### **REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail. Because the rental officer did not receive a confirmation that the Notice was successfully delivered, the respondent was contacted by telephone by the rental officer and advised of the date, time and place of the hearing. The respondent indicated he intended to appear but failed to attend the hearing. The hearing was held in his 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 \$45,351. The full unsubsidized rent has been assessed for the months of May, June, July, August and September, 2008. The applicant's witness, the subsidy agent, testified that the full unsubsidized rent had been assessed for those months because the respondent had failed to provide any household income information as required by Article 6 of the tenancy agreement.

#### **6.Tenant's Income**

The Tenant promises to provide a subsidy agent appointed by the Landlord with an accurate report of the Tenant's income, the income of any occupant of the Premises, the size of the Tenant's family, and the number of occupants residing on the Premises, whenever, and as often as, the subsidy agent requests such a report.

The applicant withdrew the request to terminate the tenancy agreement because there was an elder living with the respondent.

A previous order (file #20-7388, filed on January 13, 2004) required the respondent to pay rent arrears of \$12,521.72. Since that order was issued, the respondent has paid \$10,180.72, resulting in an unsatisfied balance of \$2341.

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 the months of May, June, July, August and September, 2008 to be reasonable. I find the rent arrears to be \$45,351. Taking the unsatisfied balance of the previous order into consideration, an order will issue requiring the respondent to pay the applicant rent arrears in the amount of \$43,010 calculated as follows:

Balance as per ledger	\$45,351
less unsatisfied balance of previous order	<u>(2341)</u>
Balance	\$43,010

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Hal Logsdon  
Rental Officer