

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **TROY ARDEN AND ASHLEY MENICOCHÉ**, Respondents;

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 **DETTAH, NT**.

BETWEEN:

**YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**

Applicant/Landlord

- and -

**TROY ARDEN AND ASHLEY MENICOCHÉ**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of twenty six thousand five hundred twenty five dollars and seventy three cents (\$26,525.73).

DATED at the City of Yellowknife, in the Northwest Territories this 24th day of February, 2009.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **TROY ARDEN AND ASHLEY MENICOCHÉ**, Respondents.

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:

**YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**

Applicant/Landlord

-and-

**TROY ARDEN AND ASHLEY MENICOCHÉ**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>December 16, 2008 continued on February 10, 2009</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, NT</b>
<b><u>Appearances at Hearing:</u></b>	<b>Stephan Folkers, representing the applicant Ashley Menicoche, respondent (December 16 only, by telephone)</b>
<b><u>Date of Decision:</u></b>	<b>February 24, 2009</b>

**REASONS FOR DECISION**

This matter was scheduled to be heard on December 16, 2008. At the hearing the respondent stated that she had moved some personal effects from the premises but planned to remove the balance of personal property and give up possession later that week. The applicant had been unsure if the respondents were occupying the premises or intended to give up possession. The hearing was adjourned sine die to permit the landlord to take possession, inspect the premises and settle the security deposit.

The respondents were contacted by the rental officer and elected to appear at the continuation of the hearing by telephone. Notices of Attendance were sent to the respondents setting out the date and time of the hearing. The notices were confirmed delivered. There was no answer when the respondents were phoned to participate in the hearing and the hearing proceeded in their absence.

The applicant deemed the premises abandoned in December, 2008. The applicant applied the security deposit (\$300) and accrued interest (\$54.71) to the rent arrears (\$26,880.44) leaving a balance owing to the applicant of \$26,525.73. The applicant sought an order requiring the respondents to pay the balance of arrears owing. The applicant provided a copy of the tenant ledger in evidence.

I note that the full unsubsidized rent has been applied since January, 2008. The subsidy agent, who was contacted by the rental officer, stated that the rents for January, February, March and

April, 2008 were based on the declared household income of the respondents and that the full unsubsidized rent was applied in May, June, July, August, September, October, November and December, 2008 because the respondents failed to provide any income information on which to calculate a subsidized rent.

I find the ledger in order and find the respondents in breach of their obligation to pay rent. I find the application of the full unsubsidized rent to be reasonable. I find the rent arrears to be \$26,525.73. An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$26,525.73.

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Hal Logsdon  
Rental Officer