

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
WILFRED LENNIE AND SARAH LENNIE, 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 **TULITA, NT**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

WILFRED LENNIE AND SARAH LENNIE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the previous order (file #20-10419, filed on October 30, 2008) is rescinded and the respondents are ordered to pay the applicant rent arrears in the amount of six thousand three hundred seventeen dollars (\$6317.00). The respondents shall pay the rent arrears in monthly installments of one hundred dollars (\$100.00) payable on the fifteenth day of every month until the rent arrears are paid in full. The first payment shall be due on February 15, 2010.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of January,
2010.

Hal Logsdon
Rental Officer

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BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

WILFRED LENNIE AND SARAH LENNIE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: January 14, 2010

Place of the Hearing: Tulita, NT

Appearances at Hearing: Helen Squirrel, representing the applicant
Rosa Etchinelle, witness for the applicant
Sarah Lennie, respondent

Date of Decision: January 19, 2010

REASONS FOR DECISION

The applicant alleged that the respondents breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement between the parties. 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 \$6317. The applicant stated that all of the rent assessed was based on the household income of the respondents.

A previous order (file#20-10419, filed on October 30, 2008) required the respondents to pay rent arrears of \$3409 and terminated the tenancy agreement on November 21, 2008 unless the arrears were paid in full. This order was not satisfied and the tenancy agreement was terminated on November 21, 2008. However, the applicant did not evict the respondents and entered into another tenancy agreement.

The respondent did not dispute the allegations and stated that they could pay \$100/month plus the rent until the rent arrears were paid.

I find the ledger in order and find the respondents in breach of their obligation to pay rent. I find the rent arrears to be \$6317.

The respondents are both senior citizens and as such their income is exempt from assessment for rent determination. The rent for the premises has been assessed at \$32 since April, 2009 and was reduced to \$0 in January, 2010. I note that the respondents have been paying rent on a reasonably regular basis since April, 2009 plus additional payments which have reduced the arrears by \$484. In my opinion, the tenancy agreement should continue provided the respondents pay the monthly rent on time and pay an additional \$100/month until the rent arrears are paid in full.

An order shall issue rescinding the previous order and ordering the respondents to pay the rent arrears of \$6317 in monthly installments of \$100 payable on the 15th of every month until the rent arrears are paid in full. The first payment shall be due on February 15, 2010.

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

Hal Logsdon
Rental Officer