

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **THERESE (TERRI) TSETTA**, 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 **NDILO, NT**.

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

- and -

THERESE (TERRI) TSETTA

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 seven thousand one hundred ninety two dollars and thirty cents (\$7192.30).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 506B, Ndilo, NT, shall be terminated on February 28, 2010 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of February, 2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **THERESE (TERRI) TSETTA**, 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:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

THERESE (TERRI) TSETTA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 11, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rose Black, representing the applicant

Date of Decision: February 11, 2010

REASONS FOR DECISION

The respondent was served with a Notice of attendance by personally serving her son with the document at the rental premises. 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 \$69,050.14. The full unsubsidized rent has been charged each month since April, 2006 because the respondent has failed to provide any income information to the subsidy agent in accordance with the tenancy agreement. The balance also includes charges for electricity which are paid to the landlord in addition to the basic rent.

A previous order (file #10-10996, filed on October 29, 2009) required the respondent to pay rent arrears of \$61,857.84 and to pay future rent on time. The ledger indicates that no payments have been made since the issuance of that order.

I find the application of the full unsubsidized rent to be reasonable. I find the respondent in breach of her obligations to pay rent and report her income. She is also in breach of the previous

order. I find the rent arrears to be \$69,050.14.

In my opinion there are sufficient grounds to terminate the tenancy agreement. Clearly, the respondent has little or no intention of meeting her obligations as a public housing tenant or paying her rent.

Taking the previous order into consideration, an order shall issue requiring the respondent to pay the applicant rent arrears of \$7192.30.

Balance of rent owing	\$69,050.14
Less previous order	<u>(61,857.84)</u>
Balance	\$7192.30

The tenancy agreement shall be terminated by order on February 28, 2010. The respondent shall vacate the premises on that date.

Hal Logsdon
Rental Officer