

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARY ANNE DUCHESNE**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

MARY ANNE DUCHESNE

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 two thousand four hundred forty three dollars (\$2443.00).
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 1033 Williams Avenue, Yellowknife, NT shall be terminated on April 30, 2010 and the respondent shall vacate the premises on that date, unless at least one thousand one hundred forty five dollars (\$1145.00) is paid to the applicant. Provided this payment is made, the respondent may pay the balance of the rent arrears in monthly payments of one hundred dollars (\$100.00)

payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on April 30, 2010. The respondent shall also apply her electrical credit toward the payment of the arrears each month.

3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of April, 2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
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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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

MARY ANNE DUCHESNE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 14, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Joanne Koyina, representing the applicant
Mary Anne Duchesne, respondent

Date of Decision: April 14, 2010

REASONS FOR DECISION

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 statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$2581. The applicant stated that full unsubsidized rent had been applied in the months of December, 2009 and January, February, March and April, 2010 although income information had been provided to the subsidy agent. The applicant stated that the outstanding subsidies amount to \$138 and accounting for these subsidies, the amount shown on the statement should be reduced to \$2443. Calculations of the subsidy amounts were provided in evidence.

The respondent did not dispute the rent arrears and stated that she could pay the monthly rent plus an additional \$100 and apply her monthly electrical credits toward the rent arrears. The applicant was willing to accept the arrangement provided the current rent for April, 2010 in the amount of \$1145 was paid on or before April 30, 2010. The respondent agreed to those terms.

I find the respondent in breach of her obligation to pay rent and find the rent arrears to be \$2443. In my opinion there are sufficient grounds to terminate the tenancy agreement on April 30, 2010 unless the current rent for April, 2010 is promptly paid.

An order shall issue terminating the tenancy agreement on April 30, 2010 unless at least \$1145 is paid to the applicant on or before that date. Provided that payment is made, the remainder of the rent arrears may be paid in monthly installments of \$100 payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on April 30, 2010. The respondent is also ordered to pay the monthly rent on time and to apply any electrical credits earned in that month to the payment of the arrears.

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

This decision was made known to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer