

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **EILEEN BETSINA AND EDWARD ABEL**, 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 **NDILO, NT**.

BETWEEN:

**YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**

Applicant/Landlord

- and -

**EILEEN BETSINA AND EDWARD ABEL**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(e) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises know as 202A, Ndilo, NT shall be terminated on May 31, 2010 and the respondents shall vacate the premises on that date, unless the respondents comply with their obligation to report their household income for the period April, 2006 to present, in accordance with Article 6 of the tenancy agreement.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of May, 2010.

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Hal Logsdon  
Rental Officer

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-and-

**EILEEN BETSINA AND EDWARD ABEL**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** May 5, 2010

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Rose Black, representing the applicant

**Date of Decision:** May 5, 2010

### **REASONS FOR DECISION**

The respondents were personally served with Notices of Attendance but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by failing to report the household income in accordance with the tenancy agreement. The applicant sought an order terminating the tenancy agreement unless the respondents reported their household income. The premises are subsidized public housing.

The applicant provided documents from the subsidy agent indicating that the respondents had not reported the household income since March, 2006. The tenant ledger, provided in evidence, indicates that no rent has been paid since that date. The full unsubsidized rent has been applied in every month from April, 2006 to present. The ledger indicates rent arrears of \$75,909.58.

Article 6 of the tenancy agreement between the parties obligates the tenant to report the household income.

#### **Tenant's Income**

The Tenant promises to provide the 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 in the Premises, whenever, and as often as the subsidy agent requests such a report. All reporting by the Tenant must be in a form prescribed by the subsidy agent.

The file notes provided by the applicant indicate that the landlord has repeatedly contacted the

respondents concerning their failure to report income without results.

The reporting of income and assessment of rent based on income is a fundamental principle of the public housing program. Failure to report income is a serious breach of a public housing tenant's obligation.

I find the respondents in breach of their obligation to report income. In my opinion, there are sufficient grounds to terminate this tenancy agreement unless the respondents promptly report their income for the period April, 2006 to present.

An order shall issue terminating the tenancy agreement on May 31, 2010 unless the household income is reported for the period April, 2006 to present. If the respondents fail to report the income and the tenancy agreement is terminated, the applicant may file an application seeking payment of the rent arrears. If the income is reported and the tenancy agreement continues, the applicant may file another application seeking payment of the resultant rent owing.

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Hal Logsdon  
Rental Officer