

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **ROBERT JACOBSON AND BERNADETTE CAPOT-BLANC**,
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 **TUKTOYAKTUK, NT**.

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

ROBERT JACOBSON AND BERNADETTE CAPOT-BLANC

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 57(b) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 217, Tuktoyaktuk, NT shall be terminated and the respondents shall vacate the premises ten (10) days after the respondents are offered a transfer to other premises containing two bedrooms and those premises are ready for occupancy.

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of May,
2010.

Hal Logsdon
Rental Officer

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REASONS FOR DECISION

Date of the Hearing: May 13, 2010

Place of the Hearing: Tuktoyaktuk, NT via teleconference

Appearances at Hearing: Lucille Pokiak, representing the applicant
Bernadette Capot-Blanc, respondent

Date of Decision: May 13, 2010

REASONS FOR DECISION

The respondents occupy a three bedroom subsidized public housing unit managed by the applicant. The applicant stated that the respondents' family size no longer warrants a three bedroom unit and the Board of Directors decided to transfer them to a one bedroom unit. The respondents refused to accept the transfer and the applicant filed an application seeking termination of the tenancy agreement pursuant to section 57(b) of the *Residential Tenancies Act*.

57. Where, on the application of a landlord, a rental officer determines that

- (a) a tenant who, as a student or a staff member was provided with living accommodation that is not exempt from this Act by an educational institution, has ceased to meet the requirement for occupancy of the living accommodation,**
- (b) a tenant of subsidized public housing has ceased to meet the requirement for occupancy of the rental premises, or**
- (c) a landlord and a tenant who share a bathroom or kitchen facility have had personal differences that make the continuation of the tenancy unfair to either of them,**

the rental officer may make an order terminating the tenancy on a date specified in the order and ordering the tenant to vacate the rental premises on that date.

The written tenancy agreement between the parties contains a provision regarding transfer to other premises by the landlord.

3. Reallocation Transfer to Other Premises

The Tenant agrees to accept a transfer to other premises when, in the Landlord's opinion, the Premises are no longer suitable.

The respondent stated that they had refused the transfer because a one bedroom unit would be too

small for their family. The respondent stated that their daughter was in her last year of college in Inuvik and planned to return to Tuktoyaktuk after her graduation in June, 2010 to live with them. The respondent stated that the daughter was expecting a child and wanted to live with her parents until she felt comfortable living independently. The respondent stated that she would be willing to accept a two bedroom unit and felt that would be an appropriate size for her family.

There are established occupancy standards established in public housing to ensure that, to the extent possible, families are allocated units suitable for their family size and the inventory of public housing is utilized in the most efficient manner possible. Since household size often changes over time as children grow up and become independent, over-accommodation often occurs. If over-accommodated families are not transferred to smaller units, larger families may remain on the waiting list in overcrowded conditions. The applicant stated that there are currently four families on their waiting list for a three bedroom unit. In my opinion, occupancy standards represent good policy in public housing and the provisions for termination and transfer contained in the Act and the tenancy agreement are reasonable.

In my opinion, it is reasonable to consider the respondents' daughter as part of this household considering her temporary absence while at collage and her intention to return to Tuktoyaktuk to live with her parents after graduation. The occupancy standards suggest that a two bedroom unit would be suitable.

The applicant stated that they are in the process of preparing a vacant two bedroom unit for

occupancy and they expect it to be completed soon. In my opinion, it is reasonable to terminate this tenancy provided the respondents are offered a two bedroom unit. An order shall issue terminating the tenancy agreement provided the respondents are offered a two bedroom unit by the applicant. The termination date shall be ten days after the two bedroom unit is ready for occupancy.

Hal Logsdon
Rental Officer