

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **THERESA BLACK AND DENNIS SABOURIN**, 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 -

THERESA BLACK AND DENNIS SABOURIN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of three thousand six hundred ninety nine dollars and thirty one cents (\$3699.31).
2. Pursuant to sections 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants and shall not create any disturbances in the residential complex in the future.

3. 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 18th day of June,
2010.

Hal Logsdon
Rental Officer

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BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

THERESA BLACK AND DENNIS SABOURIN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: June 16, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Stephan Folkers, representing the applicant
Theresa Black, respondent
Dennis Sabourin, respondent

Date of Decision: June 16, 2010

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by disturbing other tenants in the residential complex. The applicant sought an order requiring the respondents to pay the alleged rent arrears and to comply with their obligation to not disturb other tenants. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$6535.31. The full unsubsidized rent of \$1418 has been charged in May and June, 2010. The applicant did not know if the respondents had complied with their obligation to report income.

The applicant provided several notices in evidence warning the respondents of disturbances involving loud arguing.

The respondents testified that they had reported the required household income to enable the landlord to assess the rents for May and June, 2010 based on income. The applicants did not dispute the allegations concerning the disturbances.

I find the application of the full unsubsidized rent to be unreasonable as the respondents have complied with their obligation to report the household income and are entitled to a rent based on that income. There was no information available at the hearing to enable me to determine the

appropriate rents for those months. Ignoring the May and June, 2010 rents, I find rent arrears in the amount of \$3699.31, calculated as follows:

Balance as per ledger	\$6535.31
Less May rent	(1418.00)
Less June rent	<u>(1418.00)</u>
Amount due applicant	\$3699.31

I find the respondents in breach of their obligation to pay rent and their obligation to not disturb other tenants. An order shall issue requiring the respondents to pay rent arrears of \$3699.31, to comply with their obligation to not disturb other tenants, to not create any disturbances in the future and to pay future rent on time.

Hal Logsdon
Rental Officer