

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **ROBERT BEAULIEU AND BERTHA GOULET**, 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 -

ROBERT BEAULIEU AND BERTHA GOULET

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 four thousand six hundred fifty seven dollars and ninety eight cents (\$4657.98).
2. 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 2nd day of June, 2010.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **ROBERT BEAULIEU AND BERTHA GOULET**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act");

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BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

ROBERT BEAULIEU AND BERTHA GOULET

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: May 26, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rose Black, representing the applicant
Robert Beaulieu, respondent
Bertha Goulet, respondent

Date of Decision: June 2, 2010

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and to pay future rent on time. 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 \$40,067.98. The full unsubsidized rent has been applied from March, 2009 to present. The applicant stated that the respondents had failed to report the household income in each of those months. A letter from the subsidy agent, dated March 29, 2010 stated that the respondents had not applied for the subsidy since February, 2009.

The respondents disputed the allegations stating that they had reported the household income for all months since February, 2009.

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

6. Tenant's Income

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

The subsidy agent's unsworn letter of March 29, 2010 in light of the respondents' sworn testimony is not sufficient to conclude that the respondents are in breach of Article 6 of the

tenancy agreement, particularly since the respondents may have reported the income since the issuance of the letter. The applicant's representative did not have any direct knowledge of what material had or had not been filed with the subsidy agent. Since there was no income information available at the hearing, I can not determine what the rents should be for March, 2009 to present.

Ignoring the rents from March, 2009 to present, I find rent arrears of \$4657.98 calculated as follows:

Balance as at February 28/09	\$12,715.88
Plus charges for electricity	842.10
Less payments	<u>(8900.00)</u>
Total	\$4657.98

I find the respondents in breach of their obligation to pay rent. An order shall issue requiring the respondents to pay the applicant rent arrears of \$4657.98 and to pay future rent on time.

Hal Logsdon
Rental Officer