

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,  
and **LISA MCDONALD**, 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 **NORMAN WELLS, NT.**

BETWEEN:

**NORMAN WELLS HOUSING AUTHORITY**

Applicant/Landlord

- and -

**LISA MCDONALD**

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 eight thousand seven hundred five dollars (\$8705.00).

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

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Hal Logsdon  
Rental Officer

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BETWEEN:

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Applicant/Landlord

-and-

**LISA MCDONALD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** May 20, 2010

**Place of the Hearing:** Norman Wells, NT via teleconference

**Appearances at Hearing:** Clint Baptiste, representing the applicant  
Chris Greek, representing the applicant  
Lisa McDonald, respondent

**Date of Decision:** June 9, 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 copy of the tenant ledger in evidence which indicated a balance of rent owing as at March 10, 2010 of \$6046. The applicant testified that since that date the April, 2010 rent of \$1582 and the May, 2010 rent of \$1582 had come due and a payment of \$500 had been made on May 14, 2010 bringing the balance owing to \$8710.

The tenancy agreement between the parties was made for a term that ended on March 31, 2010. The applicant stated that no new tenancy agreement had been executed and that they did not intend to renew the agreement. The full unsubsidized rent of \$1582 has been charged for April and May, 2010. The remainder of the monthly rent assessments were based on the reported household income.

The respondent disputed the allegations stating that the rent was not properly assessed in the months of October and November, 2009 and March, 2010. The respondent provided copies of the assessments completed by the subsidy agent as well as household income information.

I have compared the household income information with the subsidy agent assessments. While I

am not completely satisfied that the rent has been assessed in accordance with the tenancy agreement, I am satisfied that any discrepancies are in the tenant's favour. Unfortunately the process of assessing rent is not transparent to the landlord or tenant and the subsidy agent is not accountable to either party or subject to the *Residential Tenancies Act*.

This tenancy agreement has not been renewed and the applicant does not intend to renew it. Therefore the tenancy agreement was terminated on March 31, 2010 and the tenant has been overholding since that time. There is no requirement to terminate this tenancy agreement by order. The tenancy agreement has already been terminated. If the tenant fails to vacate the premises, the applicant may seek an eviction order from the Supreme Court. The full unsubsidized rent charged in April and May, 2010 is reasonable.

The October, 2009 rent is incorrect. The rent should be \$1238 rather than \$1243. Correcting the error, I find the rent arrears to be \$8705. I find the respondent in breach of her obligation to pay rent. An order shall issue requiring the respondent to pay the applicant rent arrears of \$8705.

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Hal Logsdon  
Rental Officer