

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **CHARLENE SUNDBERG**, Respondent;

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

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **DETTAH, NT**.

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

- and -

CHARLENE SUNDBERG

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 three thousand six hundred ninety three dollars and ninety four cents (\$3693.94).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

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

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **CHARLENE SUNDBERG**, 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.

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

CHARLENE SUNDBERG

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 8, 2010

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rose Black, representing the applicant
Charlene Sundberg, respondent

Date of Decision: September 8, 2010

REASONS FOR DECISION

The applicant stated that the proper name of the landlord was "Yellowknives Dene First Nation Housing Division" rather than "YKDFN Housing Division" which was noted on the application. The style of cause of the order shall reflect the proper name of the applicant.

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 to pay future rent on time.

The applicant provided a statement of the rent account which indicated a balance of rent owing in the amount of \$10,609.94. The full unsubsidized rent of \$1729 has been applied in the months of December, 2009 and January, February and April, 2010. The applicant stated that all of the respondent's household income had been reported for these periods except for one pay period in March, 2010. The subsidy agent has not reassessed these rents.

The respondent questioned why the full unsubsidized rent had been applied but did not dispute the rents owing for the remaining months.

In my opinion, the application of the full unsubsidized rent is not reasonable as the respondent appears to have reported all income for most months and some income for all months. The rents should be adjusted for the four months in question to the income reported. There was no income

information available at the hearing to determine what rents should have been charged for those months. Ignoring those months, I find rent arrears of \$3693.94, calculated as follows:

Balance as per statement	\$10,609.94
Less 4 months @ \$1729	<u>(6,916.00)</u>
Total	\$3,693.94

I find the respondent in breach of her obligation to pay rent and find rent arrears of \$3693.94. An order shall issue requiring the respondent to pay rent arrears of \$3693.94 and to pay future rent on time.

Hal Logsdon
Rental Officer