

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and  
**KIRK DOLPHUS**, 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 **DELINE, NT**.

BETWEEN:

**DELINE HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**KIRK DOLPHUS**

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 seven thousand six hundred seventy one dollars and ten cents (\$7671.10).

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of October,  
2010.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and  
**KIRK DOLPHUS**, 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:

## DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

**KIRK DOLPHUS**

Respondent/Tenant

## REASONS FOR DECISION

**Date of the Hearing:** **October 14, 2010**

**Place of the Hearing:** **Deline, NT**

**Appearances at Hearing:** Nicole Tutcho, representing the applicant  
Kirk Dolphus, respondent

**Date of Decision:** **October 14, 2010**

**REASONS FOR DECISION**

The tenancy agreement between the parties was terminated on May 31, 2010 when the respondent vacated the premises. The applicant applied the security deposit (\$711) and interest (\$117.90) against rent arrears (\$14,904) bring the balance owing to \$14,075.10. Since that time the respondent has made a payment of \$4750 bringing the balance owing to \$9325.10. The applicant sought an order for that amount. The premises are subsidized public housing.

The full unsubsidized rent of \$1654 was applied in May, 2010. The applicant assumed that the respondent had failed to report any income on which to calculate a subsidized rent but had no direct evidence regarding the income reporting. The respondent was not sure if he had reported the household income for that period or not. He did not dispute the remaining rent arrears.

In my opinion, there is not sufficient evidence to conclude that the household income was not reported. I find the application of the full unsubsidized rent for May, 2010 to be unreasonable. There was not sufficient information available at the hearing to enable me to determine a proper rent for that month.

Ignoring the rent for May, 2010, I find rent arrears of \$7671.10 calculated as follows:

Balance as per ledger	\$9325.10
Less May/10 rent	<u>(1654.00)</u>
Balance	\$7671.10

I find the respondent in breach of his obligation to pay rent. An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$7671.10.

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Hal Logsdon  
Rental Officer