

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,
and **EVELYN YUKON**, 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 **NORMAN WELLS, NT**.

BETWEEN:

NORMAN WELLS HOUSING AUTHORITY

Applicant/Landlord

- and -

EVELYN YUKON

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 ten thousand nine hundred two dollars (\$10,902.00).

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of February,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,
and **EVELYN YUKON**, 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:

NORMAN WELLS HOUSING AUTHORITY

Applicant/Landlord

-and-

EVELYN YUKON

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 28, 2011

Place of the Hearing: Norman Wells, NT via teleconference

Appearances at Hearing: Shelley Empey, representing the applicant
Evelyn Yukon, respondent

Date of Decision: January 28, 2011

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, terminating the tenancy agreement and evicting the respondent. 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 \$12,769. The full unsubsidized rent of \$1867 has been applied in the month of January. The applicant stated that they had some income information but had not assessed the January, 2011 rent yet.

The respondent did not dispute the amount alleged owing and stated that she had difficulty paying the rent. She stated that she would turn 65 years old in March, 2011 which would reduce her rent and permit her to pay the arrears. She expressed her intention to pay about \$250 every pay period until the arrears were paid.

I find the application of the unsubsidized rent to be unreasonable. If the respondent has income information, even if it is deemed to be incomplete or inaccurate, it should be used to calculate a subsidized rent. I am unable to calculate a rent for January, 2011 as there was no income information made available at the hearing. Ignoring the January, 2011 rent I find rent arrears of \$10,902 calculated as follows:

Balance as per ledger	\$12,769
less January/11 rent	<u>(1,867)</u>
Total	\$10,902

In my opinion, termination and eviction is not the most appropriate remedy in this case. Since income earned by a household member aged 65 or older is not included in the rent calculation and there does not appear to be any other income in this household, the monthly rent after the respondent's 65th birthday should be \$0. This will provide an opportunity for the respondent to pay the arrears in an orderly fashion. Since the respondent is in need of public housing it appears to me that it would be preferable to retain her as a tenant provided she makes regular payments to retire the rental arrears. Therefore, the termination and eviction orders requested are denied but should the respondent fail to come to an acceptable arrangement to pay the arrears over time, the applicant may seek termination and eviction at a later date.

I find the respondent in breach of her obligation to pay rent. I find rent arrears in the amount of \$10,902. An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$10,902.

Hal Logsdon
Rental Officer