

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **MATILDA CHARLO**, 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 -

MATILDA CHARLO

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 two thousand one hundred thirty nine dollars (\$2139.00).
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 27th day of May, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **MATILDA CHARLO**, 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-

MATILDA CHARLO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 25, 2011

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Stephan Folkers, representing the applicant
Matilda Charlo, respondent

Date of Decision: May 25, 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 and to pay future rent on time. The premises are subsidized public housing.

The applicant provided copies of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$4453. The full unsubsidized rent of \$1729 has been applied in May, 2011. The applicant stated that the respondent had failed to provide any income information on which to calculate a subsidized rent for that month.

The respondent testified that she had provided the required income information to enable a rent based on her income to be calculated for May, 2011. Neither party had any income information available at the hearing. The applicant acknowledged that they may have received the income information recently and not yet calculated the rent.

The respondent also disputed a charge of \$585 for a broken door which was applied to her account in November, 2010. She stated that the damage was the result of a break-in by persons unknown and that she reported the incident to the police.

In my opinion the application of the full unsubsidized rent is not reasonable. The evidence indicates that the respondent has complied with her obligation to report income. As no income

information was available at the hearing, I am unable to determine the rent for May, 2011.

Section 42 of the *Residential Tenancies Act* obligates a tenant to repair damages to the premises.

42. (1) A tenant shall repair damage to the rental premises and the residential complex caused by the wilful or negligent conduct of the tenant or persons who are permitted on the premises by the tenant.

The evidence does not support that the damage to the door was done by the tenant or someone permitted on the premises by the tenant. In my opinion, the door repairs are not the responsibility of the respondent and the requested relief of \$585 is denied.

I find the respondent in breach of her obligation to pay rent. Ignoring the May, 2011 rent and deducting the door repairs from the balance, I find rent arrears of \$2139 calculated as follows:

Balance as per ledger	\$4453
less May/11 rent	(1729)
less door repairs	<u>(585)</u>
Total due applicant	\$2139

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$2139 and to pay future rent on time.

Hal Logsdon
Rental Officer