

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,  
and **DAN KLENGENBERG**, 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 **ULUKHAKTOK, NT.**

BETWEEN:

**ULUKHAKTOK HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**DAN KLENGENBERG**

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 nine thousand ten dollars (\$9010.00).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act* the respondent shall pay future rent on time.
3. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to report the household income in accordance with the tenancy agreement between the parties.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of May,  
2011.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,  
and **DAN KLENGENBERG**, 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:

**ULUKHAKTOK HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**DAN KLENGENBERG**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 27, 2011

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

**Appearances at Hearing:** Joe Perry, representing the applicant  
Sadie Joss, representing the applicant  
Dan Klengenberg, respondent

**Date of Decision:** April 27, 2011

### **REASONS FOR DECISION**

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and failing to report the household income in accordance with the tenancy agreement. The applicant sought an order requiring the respondent to pay the alleged rent arrears, to pay future rent on time and to comply with his obligation to report the household income. 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 \$12,450. The full unsubsidized rent of \$1720 has been applied in February and March, 2011. The remaining rent assessments have been retroactively adjusted to the household income. The applicant stated that the respondent had recently provided income information but the rent adjustments had not yet been made.

The respondent did not dispute that rent was owing or that he had not promptly reported the household income in accordance with the tenancy agreement.

The assessment of the full unsubsidized rent is not reasonable when the tenant has complied with the obligation to report the household income. Since there was no income information available at the hearing, I am unable to determine what rents should be charged for February and March, 2011.

I find the respondent in breach of his obligation to pay rent and his obligation to report the household income in a timely manner. Ignoring the rents for February and March, 2011 I find the rent arrears to be \$9010 calculated as follows:

Balance as per ledger	\$12,450
Less February/11 rent	(1,720)
Less March/11 rent	<u>(1,720)</u>
Total	\$9,010

An order shall issue requiring the respondent to pay the applicant rent arrears of \$9010, pay future rent on time and to comply with his obligation to report the household income in accordance with the tenancy agreement.

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Hal Logsdon  
Rental Officer