

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
ROBBIE JACOBSON AND JOHN BLAKE, Respondents;

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 **INUVIK, NT**.

BETWEEN:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

- and -

ROBBIE JACOBSON AND JOHN BLAKE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of seven thousand seven hundred seventeen dollars and eighty two cents (\$7717.82).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as MB52, 16 Franklin Road, Inuvik, NT shall be terminated on December 15, 2011 and the respondents shall vacate the premises on that date.
3. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondents shall pay

the applicant compensation for use and occupation of the premises in the amount of sixty nine dollars and forty five cents (\$69.45) for each day in December, 2011 and January, 2012 that the respondents remain in possession after December 15, 2011 .

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of November, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
ROBBIE JACOBSON AND JOHN BLAKE, Respondents.

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:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

-and-

ROBBIE JACOBSON AND JOHN BLAKE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: November 17, 2011

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: Diana Tingmiak, representing the applicant
Robbie Jacobson, respondent
John Blake, respondent

Date of Decision: November 17, 2011

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent. The applicant served a notice of early termination on the respondents dated July 28, 2011 seeking vacant possession on August 27, 2011. The application was filed on September 23, 2011. The respondents remain in possession of the premises. The applicant sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement, evicting the respondents and requiring the respondents to pay compensation for use and occupation of the premises should the respondents overhold. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$7717.82. The full unsubsidized rent has been applied in March, October and November, 2011. The applicant testified that the March rent was calculated on the household income but the October and November rents were set at the unsubsidized rate because the respondents failed to report the household income so that a subsidized rent could be calculated.

The respondents did not dispute the allegations but stated that the rent was too high for them to pay. Mr. Blake also stated that he had been laid off.

Rent in subsidized public housing is based on household income, family size and location. The rent scale is designed to ensure that the tenant is able to afford the rent. It is difficult to accept that rent can not be paid because it is beyond the tenant's financial means. It is specifically

designed to be affordable regardless of income.

In order to calculate a subsidized rent, however, it is necessary for the tenant to report their household income. This is an obligation set out in the tenancy agreement. If the tenant fails to report the household income, it is not unreasonable to apply the full unsubsidized rent. If the tenant later reports the income as required, the landlord is obligated to adjust the rent based on the rent scale.

I find the ledger in order and find the application of the full unsubsidized rent to be reasonable. I find the rent arrears to be \$7717.82. In my opinion, there are sufficient grounds to terminate the tenancy agreement. The ledger indicates that no rent was paid in March, May, August, September, October or November, 2011 and the respondents have breached their obligation to report income for two consecutive months.

An order shall issue requiring the respondents to pay the applicant rent arrears of \$7717.82 and terminating the tenancy agreement on December 15, 2011. The order will also require the respondents to pay compensation for use and occupation of the premises on a per diem basis if they remain in the premises after December 15, 2011. An eviction order to be effective on December 16, 2011 shall be issued separately.

Hal Logsdon
Rental Officer