

IN THE MATTER between **FORT SIMPSON HOUSING AUTHORITY**, Applicant,  
and **SHIRLEY BARNEY**, 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 **FORT SIMPSON, NT.**

BETWEEN:

**FORT SIMPSON HOUSING AUTHORITY**

Applicant/Landlord

- and -

**SHIRLEY BARNEY**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with Article 6 of the tenancy agreement by reporting the household income from October, 2010 to present on or before February 10, 2012.

DATED at the City of Yellowknife, in the Northwest Territories this 25th day of January,  
2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **FORT SIMPSON HOUSING AUTHORITY**, Applicant,  
and **SHIRLEY BARNEY**, 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:

**FORT SIMPSON HOUSING AUTHORITY**

Applicant/Landlord

-and-

**SHIRLEY BARNEY**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:**                      **January 19, 2012**

**Place of the Hearing:**                      **Fort Simpson, NT**

**Appearances at Hearing:**                      **Karen Douglas, representing the applicant**  
   **Shirley Barney, respondent**

**Date of Decision:**                              **January 19, 2012**

### **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 terminating the tenancy agreement on April 1, 2012 unless the alleged arrears were paid in full. The premises are subsidized public housing.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$14,567. The full unsubsidized rent of \$1203 has been charged in every month from November 2010 to present. The applicant stated that the respondent had failed to provide any income information on which to calculate a subsidized rent.

Article 6 of the written tenancy agreement sets out the tenant's obligation to report income.

#### **6. Tenant's Income**

The Tenant promises to provide a subsidy agent appointed by the Landlord with an accurate report of the Tenant's income, the income of any occupant of the Premises, the size of the Tenant's family, and the number of occupants residing on the Premises, whenever, and as often as, the subsidy agent requests such a report. All reporting by the Tenant must be in the form prescribed by the subsidy agent.

The respondent stated that she was without employment for about eight months but is now employed. She acknowledged that she had failed to provide any information regarding her employment insurance payments during the period of unemployment or her wages from current employment.

The rent statement indicates that the respondent has made significant payments since December 20, 2011 in order to pay the arrears which accrued during her period of unemployment. However, the rent that has been assessed since November, 2010 is likely much higher than it would have been if the respondent had been reporting her income in accordance with the tenancy agreement.

In my opinion, it is reasonable to order the respondent to report her monthly income from October, 2010 to present in order for the rent to be adjusted from November, 2010 onward. Then perhaps the parties can agree on how that balance can be paid over time. The applicant's request for termination is denied but should the respondent fail to provide the income information or fail to come to a reasonable arrangement to pay the arrears, the applicant may file another application seeking further remedy.

An order shall issue requiring the respondent to comply with her obligation to report the household income in accordance with the tenancy agreement from October, 2010 to present and to provide this information to the landlord on or before February 10, 2012.

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Hal Logsdon  
Rental Officer