

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and  
**KELLY SIMPSON AND SHLEND A FLUNKIE**, 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 **WHATI, NT**.

BETWEEN:

**NWT HOUSING CORPORATION**

Applicant/Landlord

- and -

**KELLY SIMPSON AND SHLEND A FLUNKIE**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to report the household income by reporting their household income for the calendar years of 2008, 2009, 2010 and 2011 to the applicant in accordance with the tenancy agreement.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of March,  
2012.

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Hal Logsdon  
Rental Officer

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**KELLY SIMPSON AND SHLEND A FLUNKIE**, 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:

**NWT HOUSING CORPORATION**

Applicant/Landlord

-and-

**KELLY SIMPSON AND SHLEND A FLUNKIE**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** March 13, 2012

**Place of the Hearing:** Yellowknife, NT via teleconference

**Appearances at Hearing:** Nancy Peel, representing the applicant

**Date of Decision:** March 13, 2012

### **REASONS FOR DECISION**

The respondents were sent Notices of Attendance by registered mail. At the time of the hearing there was no written confirmation of delivery available but both the postmaster and Ms. Flunkie were contacted by phone prior to the hearing and confirmed that the notice had been delivered. The respondents failed to attend the hearing and the hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by failing to report the household income. The applicant sought an order requiring the respondents to pay the alleged rent arrears and to report the household income in accordance with the tenancy agreement. The premises are subsidized public housing.

The applicant provided a statement of the rent account which indicated a balance of rent owing as at January 1, 2012 in the amount of \$4658. The applicant stated that the household income had not been reported since November, 2007 when the tenancy agreement commenced. The statement indicates that no rent has been paid since October 12, 2010.

The tenancy agreement between the parties obligates the tenants to report the household income.

#### **Tenant's Income**

The Tenant promises to provide verification of income annually, when the household income changes and/or when requested by the Corporation or its agent, and in accordance with the Supported Lease Program.

At a minimum, the respondents should have reported the household income in November of 2008, 2009, 2010 and 2011.

The applicant suggested that an order be issued requiring the respondents to report the household income for 2008, 2009, 2010 and 2011 and to pay the monthly rent on time. The applicant stated that they would then adjust the rents to the household income and try to arrange a payment plan with the respondents to pay the resulting balance.

I find the respondents in breach of their obligation to pay the monthly rent on time and their obligation to report the household income. An order shall issue requiring the respondents to pay the monthly rent on time and to report the household income for the calendar years 2008, 2009, 2010 and 2011.

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Hal Logsdon  
Rental Officer