

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
DARYLE BLACKDUCK AND HEIDI ADZIN, Respondents;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **BEHCHOKO, NT.**

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

DARYLE BLACKDUCK AND HEIDI ADZIN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of May,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
DARYLE BLACKDUCK AND HEIDI ADZIN, 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-

DARYLE BLACKDUCK AND HEIDI ADZIN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: April 25, 2012

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Michael Keohane, representing the applicant

Date of Decision: April 25, 2012

REASONS FOR DECISION

The respondents were served with Notices of Attendance sent by registered mail and confirmed delivered. The respondents failed to appear at the hearing and the hearing was held in their absence.

The applicant filed the application pursuant to section 41 (non-payment of rent) but at the hearing sought an order terminating the tenancy agreement on the grounds that the respondents no longer met the eligibility requirements of the program pursuant to section 57(b). The premises are subsidized public housing.

The applicant stated that the respondents did not have adequate income to qualify for the program but failed to provide any evidence concerning the income levels required for continuing eligibility. The applicant stated that he believed the respondents were not working but provided no evidence of the household income.

In order for the application to succeed, the applicant must, at a minimum, identify the eligibility criteria that the respondents have failed to meet and evidence that the respondents no longer meet that criteria. The applicant has failed on both accounts and the application must therefore be dismissed.

Hal Logsdon
Rental Officer