

IN THE MATTER between **HAMLET OF FORT LIARD SOCIAL HOUSING**,
Applicant, and **DERWIN KOTCHEA AND VICTORIA KLONDIKE**, 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 **FORT LIARD, NT.**

BETWEEN:

HAMLET OF FORT LIARD SOCIAL HOUSING

Applicant/Landlord

- and -

DERWIN KOTCHEA AND VICTORIA KLONDIKE

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 four thousand seven hundred ninety three dollars (\$4793.00).
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 28th day of June,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **HAMLET OF FORT LIARD SOCIAL HOUSING**,
Applicant, and **DERWIN KOTCHEA AND VICTORIA KLONDIKE**, 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:

HAMLET OF FORT LIARD SOCIAL HOUSING

Applicant/Landlord

-and-

DERWIN KOTCHEA AND VICTORIA KLONDIKE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: **June 26, 2012**

Place of the Hearing: **Fort Liard, NT via teleconference**

Appearances at Hearing: **Ellen McLeod, representing the applicant**

Date of Decision: **June 26, 2012**

REASONS FOR DECISION

The respondents were sent Notices of Attendance by registered mail. At the time of the hearing there was no confirmation of receipt but the respondents did receive a notice from Canada Post on June 15, 2012 that the item was at the post office ready to be picked up. In my opinion, it is reasonable to deem the notices served pursuant to section 71(5) of the *Residential Tenancies Act*. The respondents failed to appear at 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 sought an order requiring the respondents to pay the alleged rent arrears and terminating 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 in the amount of \$12,193. The full unsubsidized rent has been charged in February, March, April, May and June 2012. The applicant stated that the respondents had reported income to enable the calculation of a subsidized rent for these months but she had not yet made the rent adjustments. There was no income information available at the hearing and the applicant was unable to state what the correct subsidized rents should be.

The respondents are entitled to a rent based on their reported income for the months of February - June, 2012. Ignoring those months, I find rent arrears of \$4793 calculated as follows:

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Rent arrears as per statement	\$12,193
Less Feb-June (5 months x \$1480)	<u>(7400)</u>
Total	\$4793

Without knowing the accurate amount of rent owing, it is not reasonable, in my opinion, to consider terminating the tenancy agreement at this time. An order shall issue requiring the respondents to pay the applicant rent arrears of \$4793 and to pay the monthly rent on time in the future. If the respondents continue to fail to pay rent or make suitable arrangements to pay the rent arrears after the proper assessments are made the applicant may file another application seeking termination.

Hal Logsdon
Rental Officer