

IN THE MATTER between **HAMLET OF FORT LIARD SOCIAL HOUSING**,  
Applicant, and **ANTHONY (TONY) BERREAU**L, 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 LIARD, NT**.

BETWEEN:

**HAMLET OF FORT LIARD SOCIAL HOUSING**

Applicant/Landlord

- and -

**ANTHONY (TONY) BERREAU**L

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of twenty thousand six hundred ninety one dollars and sixty seven cents (\$20,691.67).

DATED at the City of Yellowknife, in the Northwest Territories this 27th day of June,  
2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **HAMLET OF FORT LIARD SOCIAL HOUSING**,  
Applicant, and **ANTHONY (TONY) BERREAU**, 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:

## HAMLET OF FORT LIARD SOCIAL HOUSING

Applicant/Landlord

-and-

**ANTHONY (TONY) BERREAULT**

Respondent/Tenant

## 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  
Anthony Berreault, respondent

**Date of Decision:** **June 27, 2012**

### **REASONS FOR DECISION**

The applicant alleged that the respondent had abandoned the premises in November, 2011. The applicant alleged that the respondent had failed to pay the full amount of rent owing and sought an order requiring the respondent to pay the alleged rent arrears. The premises are subsidized public housing.

This application was filed on June 1, 2012 which is over six months after the alleged breach. The applicant stated that they delayed filing the application due to the death of the respondent's wife. In my opinion, granting leave to extend the time limitation for applications is reasonable given the circumstances.

The applicant provided a statement of the rent account which indicated a balance of rent owing in the amount of \$24,101.92. The full unsubsidized rent of \$1480 has been charged in November, 2010 and January, and from May to November, 2011. The applicant stated that the respondent had not provided any income information to permit a calculation of a subsidized rent for those months.

The respondent disputed the application of the unsubsidized rent and the date of abandonment. He testified that he was arrested on September 25, 2011 and did not return to the premises. He also stated that he had spent May, June and July, 2011 in Edmonton while his wife was in hospital. He stated that he had no income except some employment insurance during the months

he was charged the unsubsidized rent and had not been able to report the income due to the circumstances of his incarceration and his residence in Edmonton.

Although not supported by the statement provided, the applicant stated that they had retained a security deposit of \$350. The respondent did not know the amount of the security deposit paid. The statement incorrectly includes a \$100 security deposit debit as part of the relief sought for rent arrears. There was no security deposit statement issued. I find interest on the deposit to be \$0.25.

In my opinion, it was not reasonable to wait until November, 2011 to declare the premises abandoned. In a community the size of Fort Liard, the landlord must have known the respondent's circumstances. Given the rent arrears, the fact that he was not residing in the premises and that there does not appear to have been any indication from the respondent that he intended to resume occupancy, the premises could have reasonably been declared abandoned on September 30, 2011.

I find the application of the full unsubsidized rent to be reasonable. The respondent is obligated to report the household income, even if it is negligible. I note however, that should the respondent do so now, the landlord is obligated to retroactively adjust the rents to a subsidized amount based on the reported income.

I find the respondent in breach of his obligation to pay rent. Ignoring the rents charged in October

and November, 2011 and adjusting the incorrect security deposit debit and applying the security deposit and interest, I find rent arrears of \$20,741.67 calculated as follows:

As per statement	\$24,101.92
Less Oct/11 rent	(1480.00)
Less Nov/11 rent	(1480.00)
Less S/D debit error	<u>(100.00)</u>
Arrears	\$21,041.92
Less S/D	(350.00)
Less Interest	<u>(0.25)</u>
Balance owing	\$20,691.67

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$20,691.67.

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Hal Logsdon  
Rental Officer