

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **RACHEL DELORME AND AUSTIN DELORME**, 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 **NDILO, NT**.

BETWEEN:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

- and -

RACHEL DELORME AND AUSTIN DELORME

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 sixty four thousand two hundred seventy three dollars and seventy eight cents (\$64,273.78).
2. Pursuant to section 43(3)(a) and 43(3)(b) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to not disturb other tenants and shall not breach that obligation again.
3. Pursuant to section 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Sikyea Apartments #4, Ndilo,

NT shall be terminated on October 30, 2012 and the respondents shall vacate the premises on that date, unless rent arrears in the amount of sixty four thousand two hundred seventy three dollars and seventy eight cents (\$64,273.78) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of July, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION**, Applicant, and **RACHEL DELORME AND AUSTIN DELORME**, 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:

YELLOWKNIVES DENE FIRST NATION HOUSING DIVISION

Applicant/Landlord

-and-

RACHEL DELORME AND AUSTIN DELORME

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 25, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rose Black, representing the applicant

Date of Decision: July 25, 2012

REASONS FOR DECISION

The respondents were personally served with Notices of Attendance but failed to appear at the hearing. 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 repeatedly disturbing other tenants in the residential complex. The applicant sought an order requiring the respondents to comply with their obligation to not disturb other tenants, to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondents unless the rent arrears were paid.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$64,273.78. The applicant stated that a previous order (file #10-10363, filed on September 8, 2008) had been satisfied through garnishment of wages.

The applicant provided notices and notes to file outlining numerous incidents of disturbance between August, 2010 and June, 2012 which were reported by other tenants. The disturbances mainly consist of loud parties held at all hours.

The applicant also noted that the income of the respondents was in excess of the maximum household income permitted in public housing. However, the respondent did not request termination of the tenancy agreement on this basis.

I find the respondents in breach of their obligation to pay rent and find the rent arrears to be \$64,273.78. I find the respondents in breach of their obligation to not disturb other tenants.

An order shall issue requiring the respondents to pay the applicant rent arrears of \$64,273.78, to comply with their obligation to not disturb other tenants and to not create any disturbances again.

The order shall terminate the tenancy agreement on October 30, 2012 unless those rent arrears are paid in full. An eviction order to be effective on October 31, 2012 unless the rent arrears of \$64,273.78 are paid on or before October 30, 2012 shall be issued separately.

Hal Logsdon
Rental Officer