

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and  
**CARLA NORN AND OLIVER EMBLETON**, 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 **HAY RIVER, NT**.

BETWEEN:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

- and -

**CARLA NORN AND OLIVER EMBLETON**

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 one thousand eight hundred thirty six dollars and thirty two cents (\$1836.32).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 2H Neville Place, Hay River, NT shall be terminated on September 10, 2012 unless the rent arrears in the amount of one thousand eight hundred thirty six dollars and thirty two cents (\$1836.32) are paid in full.

3. 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 22nd day of August, 2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **HAY RIVER HOUSING AUTHORITY**, Applicant, and  
**CARLA NORN AND OLIVER EMBLETON**, 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:

**HAY RIVER HOUSING AUTHORITY**

Applicant/Landlord

-and-

**CARLA NORN AND OLIVER EMBLETON**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** August 22, 2012

**Place of the Hearing:** Hay River, NT via teleconference

**Appearances at Hearing:** Christine Smith, representing the applicant

**Date of Decision:** August 22, 2012

### **REASONS FOR DECISION**

The respondents were sent Notices of Attendance by registered mail. At the time of the hearing there was no confirmation that the notices had been picked up but the respondents were provided with notices by Canada Post on August 13, 2012 that they had registered mail items. The applicant stated that the respondents were still in possession of the premises. The respondents failed to appear at the hearing. In my opinion, it is not unreasonable to deem the notices served pursuant to section 71(5) of the *Residential Tenancies Act*. The hearing was held in the absence of the respondents.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent. The applicant sought an order requiring the respondents to pay the alleged rent arrears and terminating the tenancy agreement unless the arrears were promptly paid. The premises are subsidized public housing.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$1836.32. The full unsubsidized rent has been charged in August, 2012. The applicant stated that the respondents failed to file any income information on which to calculate a subsidized rent for that month.

I find the statement in order and find rent arrears of \$1836.32. I find the application of the full unsubsidized rent to be reasonable but note that the landlord is obligated to adjust that rent to one

based on the household income if the respondents provide that information in accordance with the tenancy agreement. In my opinion there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are paid.

An order shall issue requiring the respondents to pay the applicant rent arrears of \$1836.32 and terminating the tenancy agreement on September 10, 2012 unless those arrears are paid in full. Should the tenancy agreement continue, the respondents are also ordered to pay future rent on time.

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Hal Logsdon  
Rental Officer