

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and **JOE RABESCA**, 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 **LUTSEL K'E, NT.**

BETWEEN:

LUTSEL K'E HOUSING AUTHORITY

Applicant/Landlord

- and -

JOE RABESCA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of four thousand five hundred fourteen dollars (\$4514.00). The respondent shall pay the rent arrears in monthly installments of two hundred dollars (\$200.00) payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on September 30, 2012.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

3. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to report the household income in accordance with the tenancy agreement.

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of October, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and **JOE RABESCA**, 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:

LUTSEL K'E HOUSING AUTHORITY

Applicant/Landlord

-and-

JOE RABESCA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 24, 2012

Place of the Hearing: Lutsel K'e, NT

Appearances at Hearing: Mary Rose Casaway, representing the applicant
Joe Rabesca, respondent

Date of Decision: September 24, 2012

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by failing to report the household income in accordance with the tenancy agreement. The applicant sought an order requiring the respondent to pay the alleged rent arrears, to report the household income in accordance with the tenancy agreement and to pay the monthly rent on time. 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 \$4514. The full unsubsidized rent has been assessed in September, 2012. The applicant stated that the respondent had failed to provide any income information to enable the calculation of a subsidized rent for that month.

The respondent did not dispute the allegations and stated that he could pay the monthly rent plus an additional \$200/month until the rent arrears were paid in full. The applicant agreed to the arrangement and asked that the order include the repayment arrangement.

I find the statement in order and find the respondent in breach of his obligation to pay rent and to report the household income in accordance with the tenancy agreement. I find the application of the full unsubsidized rent to be reasonable but note that the applicant is obligated to adjust the rent assessment as necessary should the respondent report the household income. I find the rent arrears to be \$4514.

An order shall issue requiring the respondent to pay the monthly rent on time and to pay the rent arrears of \$4514 in monthly payments of \$200 payable on the last day of every month until the rent arrears are paid in full. The first payment of rent arrears shall be due on September 30, 2012. The respondent is also ordered to report the household income in accordance with the tenancy agreement.

Hal Logsdon
Rental Officer