

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and  
**MARCEL BASIL**, 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 -

**MARCEL BASIL**

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 seven thousand three hundred eighty five dollars (\$27,385.00).
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.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and  
**MARCEL BASIL**, 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-

**MARCEL BASIL**

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

**Date of Decision:** September 24, 2012

### **REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing it was unclear whether the notice was picked up by the respondent. However it appears that the respondent received a notice from Canada Post on advising that the item was available for pick up. In my opinion, it is reasonable to deem the notice served in accordance with section 71(5) of the *Residential Tenancies Act*. The respondent failed to appear at the hearing and the hearing was held in his absence.

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 pay future rent on time and to comply with his obligation to report the household income in accordance with the tenancy agreement. 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 \$27,385.

The full unsubsidized rent has been assessed for the months of August through December, 2011 and from January through September, 2012. The applicant stated that the respondent had not provided any household income information to enable the calculation of a subsidized rent for those periods.

I find the statement in order and find the application of the full unsubsidized rent to be reasonable. I note however that should the respondent report the household income, the applicant is obligated to adjust the rent in accordance with the reported income and the rent scale. I find the respondent in breach of his obligation to pay rent and to report the household income. I find the rent arrears to be \$27,385.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$27,385, to pay future rent on time and to comply with his obligation to report the household income in accordance with the tenancy agreement.

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Hal Logsdon  
Rental Officer