

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and
ALEX RABESCA AND THERESE MARTIN, 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 **LUTSEL K'E, NT.**

BETWEEN:

LUTSEL K'E HOUSING AUTHORITY

Applicant/Landlord

- and -

ALEX RABESCA AND THERESE MARTIN

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 thirty five thousand one hundred ninety four dollars (\$35,194.00).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

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

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of October, 2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and
ALEX RABESCA AND THERESE MARTIN, 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:

LUTSEL K'E HOUSING AUTHORITY

Applicant/Landlord

-and-

ALEX RABESCA AND THERESE MARTIN

Respondents/Tenants

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 respondents were served with Notices of Attendance sent by registered mail and confirmed delivered. The respondents failed to appear at the hearing and 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 failing to report the household income in accordance with the tenancy agreement. The applicant sought an order requiring the respondents to pay the alleged rent arrears, to pay future rent on time and to comply with their 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 \$35,194. The full unsubsidized rent has been applied in April through December, 2011 and in January through September, 2012. The applicant stated that the respondents had failed to provide any income information to permit the calculation of subsidized rents for those periods.

I find the statement in order and find the respondents in breach of their obligations to pay rent and to report the household income. I find the rent arrears to be \$35,194 but note that the applicant is obligated to adjust the unsubsidized rents as necessary should the respondents report the household income.

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$35,194, to pay future rent on time and to comply with their obligation to report the household income in accordance with the tenancy agreement.

Hal Logsdon
Rental Officer