

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and  
**JOEY FATTE AND AMY BASIL**, 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 -

**JOEY FATTE AND AMY BASIL**

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 two thousand two hundred twenty nine dollars (\$2229.00).
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 3rd day of October, 2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **LUTSEL K'E HOUSING AUTHORITY**, Applicant, and  
**JOEY FATTE AND AMY BASIL**, 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-

**JOEY FATTE AND AMY BASIL**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** September 25, 2012

**Place of the Hearing:** Lutsel K'e, NT

**Appearances at Hearing:** Mary Rose Casaway, representing the applicant

**Date of Decision:** September 25, 2012

### **REASONS FOR DECISION**

The respondents were sent Notices of Attendance by registered mail. At the time of the hearing it was unclear whether the notices were picked up by the respondents. However it appears that the respondents received notice from Canada Post on advising that the items were available for pick up. In my opinion, it is reasonable to deem the notices served in accordance with section 71(5) of the *Residential Tenancies Act*. 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 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 \$2229. The applicant stated that the income information provided in June, July, August and September was incomplete but that the rent had been assessed on the income information provided by the respondents.

A previous order (file #10-10241, filed on July 22, 2008) has been satisfied.

I find the statement in order and find the respondents in breach of their obligations to pay rent and to report the full household income. I find the rent arrears to be \$2229.

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$2229, to pay future rent on time and to comply with their obligation to report the full household income in accordance with the tenancy agreement.

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Hal Logsdon  
Rental Officer