

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

ALLAN RABESCA

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 five thousand four hundred seventy three dollars and twenty two cents (\$5473.22).
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) and 45(4)(b) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to report the household income in accordance with the tenancy agreement and shall not breach that obligation again.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of
February, 2013.

Hal Logsdon
Rental Officer

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

ALLAN RABESCA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 30, 2013

Place of the Hearing: Lutsel K'e, NT via teleconference

Appearances at Hearing: Mary Rose Casaway, representing the applicant

Date of Decision: January 30, 2013

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail which was confirmed delivered. 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 sought an order requiring the respondent to pay the alleged rent arrears, pay future rent on time and 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 which indicated a balance of rent owing of \$5473.22. The rents for September and November, 2012 have been assessed at the full unsubsidized rate of \$1445. The applicant testified that the respondent had failed to provide any income information on which to calculate a subsidized rent.

I find the statement in order and find the application of the full unsubsidized rent to be reasonable. However, I note that should the respondent provide the household income in accordance with the tenancy agreement the applicant is obligated to recalculate the rent as required.

I find the respondent in breach of his obligation to pay rent and in breach of her obligation to report income. I find rent arrears of \$5473.22. An order shall issue requiring the respondent to

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pay the applicant rent arrears of \$5473.22, pay future rent on time and comply with his obligation to report income and not breach that obligation again.

Hal Logsdon
Rental Officer