

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
ARNOLD VITAL, 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 **DELINE, NT**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

ARNOLD VITAL

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 three hundred eighty five dollars and forty nine cents (\$5385.49).
2. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Unit 79, Deline, NT shall be terminated on April 30, 2013 and the respondent shall vacate the premises on that date, unless the rent arrears of ten thousand and one dollars and forty nine cents (\$10,001.49) are paid in full.

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of March,
2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
ARNOLD VITAL, 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

ARNOLD VITAL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 27, 2013

Place of the Hearing: Deline, NT via teleconference

Appearances at Hearing: Phebie Kenny, representing the applicant

Date of Decision: March 28, 2013

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance on March 12, 2013. 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. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondent unless the rent arrears are paid. The premises are subsidized public housing.

The applicant provided a statement of the rent account which indicated a balance of rent owing in the amount of \$10,001.49. The applicant stated that all of the rent had been calculated on the respondent's reported household income.

A previous order (file #20-11004, filed on September 30, 2009) ordered the respondent to pay the applicant rent arrears of \$8184. Since that order was issued, the rent statements indicate that \$3568 has been paid by the respondent, leaving an unsatisfied balance of \$4616. The previous order may still be enforced until it is fully satisfied.

I find the statement in order and find the respondent in breach of his obligation to pay rent. I find the rent arrears to be \$10,001.49. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are paid in full.

An order shall issue terminating the tenancy agreement on April 30, 2013 unless the rent arrears of \$10,001.49 are paid in full.

The order shall also require the respondent to pay the applicant \$5385.49, which takes into account the unsatisfied portion of the previous order.

Rent arrears	\$10,001.49
Unsatisfied portion of previous order	<u>(4616.00)</u>
This order	\$5385.49

An eviction order to be effective on May 1, 2013 unless the rent arrears of \$10,001.49 are paid in full on or before April 30, 2013 shall be issued separately.

Hal Logsdon
Rental Officer