

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,  
and **CAREY KAKFWI**, 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 **NORMAN WELLS, NT**.

BETWEEN:

**NORMAN WELLS HOUSING AUTHORITY**

Applicant/Landlord

- and -

**CAREY KAKFWI**

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 twelve dollars and twenty nine cents (\$5412.29).
2. Pursuant to sections 41(4)(c) and 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 404, Unit 59, 4 Tulita Street, Norman Wells, NT shall be terminated on April 26, 2013 and the respondent shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of April,  
2013.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,  
and **CAREY KAKFWI**, 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:

**NORMAN WELLS HOUSING AUTHORITY**

Applicant/Landlord

-and-

**CAREY KAKFWI**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** April 18, 2013

**Place of the Hearing:** Yellowknife, NT via teleconference

**Appearances at Hearing:** Darrin Holmes, representing the applicant

**Date of Decision:** April 18, 2013

### **REASONS FOR DECISION**

The respondent was personally served with a Notice of Attendance. 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 repeatedly disturbing other tenants in the residential complex. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement and evicting the respondent. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$5412.29. The full unsubsidized rent has been charged in February, March and April, 2013. The applicant testified that the respondent had failed to provide any income information on which to calculate a subsidized rent for those months.

The applicant provided several written complaints from other tenants residing in the four-unit complex outlining yelling, fighting and loud behaviour at all hours. The applicant also provided notices served on the respondent concerning the disturbances.

I find the ledger in order and find the respondent in breach of his obligation to pay rent and his obligation to report the household income in accordance with the tenancy agreement. I find the application of the full unsubsidized rent to be reasonable and find rent arrears of \$5412.29.

I find the respondent in breach of his obligation to not disturb other tenants. In my opinion, there are sufficient grounds to terminate the tenancy agreement. The respondent has paid no rent whatsoever since November, 2012 and it does not appear that the landlord's notices have had any effect on the respondent's disturbing behaviour.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$5412.29 and terminating the tenancy agreement on April 26, 2013. An eviction order to be effective on April 29, 2013 shall be issued separately.

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Hal Logsdon  
Rental Officer