

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **ABRAHAM NASOGALUAK AND DARLENE ELANIK**,
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 **TUKTOYAKTUK, NT.**

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

ABRAHAM NASOGALUAK AND DARLENE ELANIK

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of sixteen thousand one hundred sixty five dollars and ninety five cents (\$16,165.95) in monthly installments of one hundred dollars (\$100.00) payable on the last day every month until the rent arrears are paid in full. The first payment shall be due on August 31, 2013.
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of August,
2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,
Applicant, and **ABRAHAM NASOGALUAK AND DARLENE ELANIK**,
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:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

-and-

ABRAHAM NASOGALUAK AND DARLENE ELANIK

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 18, 2013

Place of the Hearing: Tuktoyaktuk, NT via teleconference

Appearances at Hearing: Lucille Pokiak, representing the applicant

Date of Decision: August 2, 2013

REASONS FOR DECISION

Ms Elanik contacted the rental officer on July 17, 2013 seeking a postponement of the hearing to enable her to review rent assessments from 1999-2004. She was informed that a postponement would be granted if the applicant agreed. Otherwise, it was suggested that she attend the hearing to seek an adjournment. The applicant wished to proceed and the respondents failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondents to pay the alleged rent arrears and to pay the monthly rent on time in the future. 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 \$16,165.95.

Although the respondents did not attend the hearing, they did submit some partial calculations suggesting that rent had been assessed using northern living allowances which should not have been considered in the rent calculation. The applicant acknowledged that the rent had been improperly assessed and noted two adjustments totalling \$9191 made in April and May, 2006. The applicant stated that these adjustments were made due to adjust the improperly assessed rents. She noted that the adjustments resulted in a credit balance on the account and all of the current arrears accrued after the adjustments were made.

I am satisfied that the rent adjustments have been made and that there was no requirement to adjourn the hearing. I find rent arrears of \$16,165.95. The applicant suggested that the order require the respondents to pay the monthly rent plus an additional \$100/month. Given the household income of the respondents this is reasonable.

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$16,165.95 in monthly installments of \$100, payable on the last day of every month until the rent arrears are paid in full. The first payment shall be due on August 31, 2013. The respondents are also ordered to pay the monthly rent on time.

Hal Logsdon
Rental Officer