

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,  
Applicant, and **WILLIAM KENDI**, 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 **FORT MCPHERSON, NT**.

BETWEEN:

**FORT MCPHERSON HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**WILLIAM KENDI**

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 four hundred seventy eight dollars and eighty eight cents (\$478.88).
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 0132 Harriet Stewart Street, Fort McPherson, NT shall be terminated on August 31, 2013 and the respondent shall vacate the premises on that date unless the rent arrears in the amount of four hundred seventy eight dollars and eighty eight cents (\$478.88) are paid in full.

3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of August, 2013.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,  
Applicant, and **WILLIAM KENDI**, 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:

**FORT MCPHERSON HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**WILLIAM KENDI**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** August 8, 2013

**Place of the Hearing:** Fort McPherson, NT via teleconference

**Appearances at Hearing:** Shirley Wilson, representing the applicant

**Date of Decision:** August 8, 2013

### **REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing, there was no confirmation that the notice had been picked up by the respondent but a notice was left in his post box on July 23, 2013 advising him of the item. The applicant stated that she had seen the respondent in the community several days ago and had reminded him of the hearing. The respondent did not appear at the hearing and the hearing proceeded in his absence. In my opinion, it is not unreasonable to deem the notice served in accordance with section 71(5) of the *Residential Tenancies Act*.

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. The applicant also sought an eviction order. 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 \$478.88. The last payment of rent was February 1, 2013. There have been no other orders issued. All of the rent is based on the reported household income.

I find the ledger in order and find the respondent in breach of his obligation to pay rent. I find the rent arrears to be \$478.88. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the rent arrears are promptly paid.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$478.88 and terminating the tenancy agreement on August 31, 2013 unless that amount is paid in full. I shall also issue an order requiring the respondent to pay future rent on time.

There have been no previous orders filed against the respondent and the rent arrears are not excessive. For those reasons, an eviction order shall not be issued at this time. However, should the respondent fail to pay the rent arrears by August 31, 2013 and fail to vacate the premises on that day, the applicant may file an application for eviction and compensation for the days the respondent has remained in the premises after August 31, 2013.

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Hal Logsdon  
Rental Officer