

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and **WILLIAM TATZIA AND KATIE KOYINA**, 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 **BEHCHOKO, NT**.

BETWEEN:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

- and -

WILLIAM TATZIA AND KATIE KOYINA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of eighteen thousand two hundred sixty eight dollars (\$18,268.00).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondents shall pay the applicant call-out charges in the amount of forty nine dollars and thirty five cents (\$49.35).
3. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment B, 650 Whagwe Tili,

Behchoko, NT shall be terminated on October 15, 2013 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 8th day of October, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **BEHCHOKO GHA K'AODEE**, Applicant, and
WILLIAM TATZIA AND KATIE KOYINA, 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:

BEHCHOKO GHA K'AODEE

Applicant/Landlord

-and-

WILLIAM TATZIA AND KATIE KOYINA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: October 1, 2013

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Michael Keohane, representing the applicant

Date of Decision: October 1, 2013

REASONS FOR DECISION

The respondents were served with Notices of Attendance sent by registered mail and confirmed delivered. The respondents failed to appear at the hearing and the hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by failing to pay for a call-out charge when they had locked themselves out of the rental premises. The applicant sought an order requiring the respondents to pay the alleged rent arrears and call-out charges and terminating the tenancy agreement and evicting the respondents. The premises are subsidized public housing.

The applicant provided a copy of the rent ledger in evidence which indicated a balance of rent owing in the amount of \$18,268. The full unsubsidized rent has been assessed in every month since November, 2012. The applicant testified that the respondents had failed to provide any income information on which to calculate a subsidized rent. The last payment of rent was in March, 2013.

The applicant also provided a copy of the tenant damages ledger which indicated a balance of \$49.35 for a lock-out which occurred in September 2010.

I find the application of the full unsubsidized rent to be reasonable and find rent arrears of

\$18,268. I note however, that should the respondents report the household income, the landlord is obligated to adjust the rent in accordance with the approved rent scale. In my opinion, there are sufficient grounds to terminate the tenancy agreement and evict the respondents based on their non-payment of rent. I also find the lock out charges of \$49.35 to be reasonable.

An order shall issue requiring the respondents to pay the applicants rent arrears of \$18,268 and lock-out charges of \$49.35 and terminating the tenancy agreement on October 15, 2013.

An eviction order to be effective on October 16, 2013 shall be issued separately.

Hal Logsdon
Rental Officer