

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and  
**Margaret Elanik**, 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, **Adelle Guigon**, Deputy Rental Officer,  
regarding a rental premises located within the **Hamlet of Tuktoyaktuk in the Northwest  
Territories**.

BETWEEN:

**TUKTOYAKTUK HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**MARGARET ELANIK**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the Respondent shall pay to the Applicant rental arrears in the amount of \$19,702.72 (nineteen thousand seven hundred two dollars seventy-two cents).

DATED at the City of Yellowknife in the Northwest Territories this 1st day of October  
2014.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and  
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BETWEEN:

**TUKTOYAKTUK HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**MARGARET ELANIK**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** September 27, 2013

**Place of the Hearing:** Yellowknife, Northwest Territories, via Teleconference

**Appearances at Hearing:** Lucille Pokiak, representing the Applicant

**Date of Decision:** September 27, 2013

## **REASONS FOR DECISION**

### **Application**

The Application to a Rental Officer filed by the Tuktoyaktuk Housing Association as the Applicant/Landlord against Margaret Elanik as the Respondent/Tenant regarding the rental premises known as Unit #168 in Tuktoyaktuk, Northwest Territories, was filed by the Rental Office on May 23, 2013. The Applicant served a copy of the filed application on the Respondent in person on May 31, 2013.

The Applicant is seeking payment of rental arrears. Evidence submitted in support of the application is listed in Appendix A attached to this order.

### **Hearing**

A hearing was originally scheduled for July 18, 2013. Both parties were notified by registered mail sent June 27, 2013. The Applicant appeared at hearing. The Respondent failed to appear at hearing. It was noted that while the Respondent could be deemed served the notice of hearing on July 4, 2013, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act), the Respondent had not in fact signed for the notice. The Rental Officer adjourned the hearing to be rescheduled with new notices to be distributed.

The subsequent hearing was scheduled for September 27, 2013. Both parties were notified by registered mail sent September 5, 2013. The Applicant appeared at hearing. The Respondent signed for her notice on September 13, 2013, but failed to appear at hearing. The hearing proceeded in her absence pursuant to section 80(2) of the Act.

### **Submissions**

The Applicant submitted the Respondent currently was in rental arrears of \$19,702.72. The rental arrears began accumulating a year after the Respondent took possession of the premises. The Respondent is an elder of the community residing in subsidized public housing, who permits her children to reside with her. Her rent is assessed monthly based on the household income for the month previous. This amount fluctuates depending on whether any of her children are residing with her at the time. The Respondent herself has not been able to pay the rent assessed including her children's income and her children do not always pay the difference. Hence the accumulation of the rental arrears. The Applicant has no desire to terminate this elder's tenancy and only wishes to have an order for payment of the rental arrears to facilitate enforcement avenues to pay down the amount owing.

Determinations

The tenancy agreement entered into evidence is dated August 28, 2004, for subsidized public housing. I am satisfied there is a valid tenancy agreement in place.

The tenant ledger cards submitted into evidence are dated from April 1, 2005, to September 16, 2013. They are the landlord's accounting of rent assessed and payments made. I am satisfied the tenant ledger cards accurately reflect payments made by the Respondent or on behalf of the Respondent to date.

I find the Respondent in rental arrears amounting to \$19,702.72.

Order

An order will issue requiring the Respondent to pay to the Applicant rental arrears in the amount of \$19,702.72.

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Adelle Guigon  
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential Tenancy Agreement dated August 28, 2004

Exhibit 2: Three Rent Calculation Forms for May, April, and March 2013

Exhibit 3: Tenant Ledgers dated April 1, 2005, to May 3, 2013

Exhibit 4: Correspondence Regarding Payment Over and Above Regular Rent Assessed dated March 7, 2013

Exhibit 5: Correspondence Regarding Payment Over and Above Regular Rent Assessed dated February 19, 2013

Exhibit 6: Correspondence Regarding Rent Payment dated February 6, 2013

Exhibit 7: Correspondence Regarding Application to Terminate - Residential Tenancy Act s. 54(1)(g) dated January 16, 2013

Exhibit 8: Tenant Ledger dated April 1, 2013, to July 15, 2013

Exhibit 9: Tenant Ledger dated April 1, 2013, to September 16, 2013