

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **LORENZA PANAKTALOK**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

LORENZA PANAKTALOK

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 45(4)(e) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 781 Bigelow Crescent, Yellowknife, NT shall be terminated on February 11, 2014 and the respondent shall vacate the premises on that date unless the respondent reports the household income in accordance with the tenancy agreement for the months of September, October, November and December, 2013 and January, 2014.

DATED at the City of Yellowknife, in the Northwest Territories this 30th day of January,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **LORENZA PANAKTALOK**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

LORENZA PANAKTALOK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: January 29, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant
Lorenza Panaktalok, respondent

Date of Decision: January 29, 2014

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by failing to report the household income. 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 statement of the rent account which indicated a balance owing of \$6875.67. The full unsubsidized rent of \$1625 has been charged in October, November and December, 2013 and in January, 2014. The applicant testified that the respondent failed to provide any income information on which to calculate a subsidized rent and therefore applied the rent set out in Schedule A of the tenancy agreement.

Article 6 of the tenancy agreement obligates a tenant to report the household income.

6. Tenant's Income

The Tenant promises to provide a subsidy agent appointed by the Landlord with an accurate report of the Tenant's income, the income of any occupant of the Premises, the size of the Tenant's family, and the number of occupants residing on the Premises, whenever, and as often as, the subsidy agent requests such a report.

The respondent acknowledged that the landlord had requested monthly income information in order to assess the rent. She stated that she had not been working for most of the months since September, 2013 but had recently started a job. The applicant stated that if the outstanding income was reported, she expected the balance owing would significantly decrease. The applicant stated that she intended to report the outstanding income promptly.

The reporting of income is an essential component of the *Public Housing Program*. A rent based on income ensures that rents are affordable and that the rent subsidies are applied on the basis of financial need. Failure to report income is, in my opinion, a substantial breach of the tenancy agreement and constitutes adequate grounds to terminate the tenancy agreement.

I find the respondent in breach of her obligation to pay rent and her obligation to report the household income. Although I find the application of the full unsubsidized rent to be reasonable, in my opinion, it would be more practical to deal with the issue of income reporting before determining the issue of rent arrears. Therefore, I shall issue an order terminating the tenancy agreement on February 11, 2014 unless the respondent reports the household income in accordance with the tenancy agreement for the months of September, October, November and December, 2013 and January, 2014. I shall adjourn the matter of rent arrears to a hearing to be held on February 19, 2014 at 4:00 PM. I am requiring the January income information to be reported as it is used for the determination of the February rent which will come due on February 1, 2014.

The request for an eviction order is denied at this time. I shall consider that remedy at the continuation of the hearing on February 19, 2014.

Hal Logsdon
Rental Officer