

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and **JOE WANAZAH AND CELINE WANAZAH**, 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 -

JOE WANAZAH AND CELINE WANAZAH

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, applicant shall provide written notice to the respondents to provide the household income for all time periods where that information is missing or incomplete and the respondents shall report the full and accurate household income to the applicant for those time periods in accordance with the tenancy agreement. Written notice shall be given to respondents no later than April 15, 2014 and the respondents shall report the income requested no later than April 30, 2014.

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of March, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and **JOE WANAZAH AND CELINE WANAZAH**, 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 KO GHA K'AODEE

Applicant/Landlord

-and-

JOE WANAZAH AND CELINE WANAZAH

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: December 3, 2013

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Michael Keohane, representing the applicant
Joe Wanazah, respondent
Celine Wanazah, respondent
James Rabesca, interpreter

Date of Decision: March 28, 2014

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent, failing to repair damages to the premises and failing to report the total amount of the household income. The applicant sought an order requiring the respondents to pay the alleged rent arrears and repair costs and terminating the tenancy agreement and evicting the respondents. The premises are subsidized public housing.

Included with the application were two statements of the rent account. One indicated a balance of \$40,443 as at October 1, 2013. The other showed a balance of \$48,948 owing as at October 1, 2013. At the hearing, the applicant provided another statement indicating a balance of \$45,499 as at November 28, 2013. The applicant stated that they sought an order for \$36,994 but provided no documentation as to how that amount was calculated. The applicant was unable to reconcile the accounts or provide a reliable balance of the rent owing.

Reviewing entries on all three statements, it appears that the full unsubsidized rent was applied in November and December, 2008 and January, 2009 and February, 2013 to present. The respondents acknowledged that they had neglected to report the full amount of the household income, omitting income of two family members. There was no income information available at the hearing.

The applicant provided a work order and invoice regarding the repair of two doors. The total cost

of repairs indicated on the work order, invoice and tenant damage ledger is \$636.17 but the applicant sought relief of \$616.37.

I am not prepared to assume that the order for rent arrears sought by the applicant must be reasonable because all three statements provided in evidence by the applicant indicate larger balances. Applicants must present evidence which accurately supports the allegations. Therefore I shall deal with the issue of rent or repair costs at a future hearing provided that the applicant is able to accurately determine those amounts and present reasonable evidence.

At this time I shall only issue an order requiring the applicant to give written notice to the tenant to report the full household income for specific periods where that information has not been provided. This shall be done on or before April 15, 2014. The respondents shall be ordered to comply with the landlord's notice by providing the full and accurate household income for these periods. This shall be completed on or before April 30, 2014. If the respondents fail to comply, the applicant shall assess rents based on what income information they have or apply the full unsubsidized rent for periods where no income information has been submitted.

I shall proceed to determine the matter of rent and repair costs after the applicant has filed a single comprehensive and accurate statement of the rent account and served that statement on the respondents. If not received by May 31, 2014 this file shall be closed.

Hal Logsdon
Rental Officer