

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
PHOEBE NAEDZO, 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 **BEHCHOKO, NT.**

BETWEEN:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

- and -

PHOEBE NAEDZO

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 eight thousand one hundred dollars (\$8100.00).
2. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall report the household income from April, 2012 to present in accordance with the tenancy agreement.
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 16th day of April,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
PHOEBE NAEDZO, 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:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

-and-

PHOEBE NAEDZO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: December 3, 2013

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Michael Keohane, representing the applicant
Phoebe Naedzo, respondent

Date of Decision: December 3, 2013

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 in accordance with the tenancy agreement. 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 tenancy agreements, a statement of the rent account and tenant ledger cards in evidence. The latest tenant ledger card, provided at the hearing, indicates a balance of rent owing as at December 2, 2013 of \$37,704.

The applicant stated that no income information had been reported since March, 2012. Until April, 2012 the assessed rents were all based on the household income. The applicant stated that the full unsubsidized rent had been applied after April 2012 because the applicant had not provided any income information. The applicant stated that the respondent had given her authorization to release 2012 income tax information but they had been notified that no income tax return had been filed.

The ledger indicates that no rent has been paid since April 2012.

The respondent testified that she had lost her job in the spring of 2012 and had earned no income since. She stated that she expected some employment in the near future. The applicant expressed

doubt that the respondent had no income over the past eight months but outlined the household income documentation they require from April, 2012 to present in order to reassess those rents.

I am confident that the rents have been properly assessed on the household income until April, 2012. The balance of rent owing as at April 30, 2012 was \$8100.

I find the respondent in breach of her obligation to pay rent and her obligation to report the household income. If the respondent did not have any significant income since March, 2013 the total amount owing to date should be significantly less than \$37,704. The applicant appeared somewhat confused as to what documents were required and I am not confident that the respondent was advised or knew what she was expected to submit. Now that she knows, it would seem prudent to allow her some time to comply so that an accurate rent assessment can be determined. For this reason, I am not issuing a termination order.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$8100, requiring her to report the household income from April 2012 to present and to pay the monthly rent on time in the future. The applicant is granted leave to make another application for any rent arrears that accumulate after April 30, 2013 and may also seek an order for termination at that time.

Hal Logsdon
Rental Officer