

IN THE MATTER between **SACHS HARBOUR HOUSING ASSOCIATION**,
Applicant, and **MARGARET LENNIE**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **SACHS HARBOUR, NT**.

BETWEEN:

SACHS HARBOUR HOUSING ASSOCIATION

Applicant/Landlord

- and -

MARGARET LENNIE

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 thirty three thousand five hundred seventy two dollars (\$33,572.00).
2. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondent shall report the full and accurate household income to the applicant for the months of July, 2013 to present.
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 7th day of May,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **SACHS HARBOUR HOUSING ASSOCIATION**,
Applicant, and **MARGARET LENNIE**, 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:

SACHS HARBOUR HOUSING ASSOCIATION

Applicant/Landlord

-and-

MARGARET LENNIE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 11, 2014

Place of the Hearing: Sachs Harbour, NT

Appearances at Hearing: Marjorie Hansen, representing the applicant (by
telephone)
Margaret Lennie, respondent

Date of Decision: February 11, 2014

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and to pay future rent on time. The premises are subsidized public housing.

The applicant provided tenant ledger cards in evidence which indicated a balance of rent owing in the amount of \$43,397. The applicant stated that the assessed rent was based on the household income and calculated in accordance with the approved rent scale until July, 2013. The applicant stated that the full unsubsidized rent of \$1445 was charged from August, 2013 to and including February, 2014 because the respondent had failed to report all of the household income. The applicant stated that, based on the reported income for February, the rent should be \$790.

The respondent testified that she had made a payment of \$500 on February 10, 2014 which was not recorded on the ledger. The applicant acknowledged the payment. The respondent did not dispute that some income information was incomplete.

There was no income information available at the hearing to enable a calculation of rents for August, 2013 to January, 2014.

The application of the full unsubsidized rent is not reasonable where the public housing landlord has some household information in hand. I find the respondent in breach of her obligation to

report the household income in accordance with the tenancy agreement and shall order the respondent to provide the full and accurate monthly household income for July, 2013 to present. I also find the respondent in breach of her obligation to pay rent. Ignoring rent assessments from August, 2013 to January , 2014 I find rent arrears of \$33,572 calculated as follows:

Balance as per ledger	\$43,397
Reverse August/13 - February/14 rent (7 months @ \$1445)	(10,115)
February/14 rent	790
February 10/14 payment	<u>(500)</u>
Balance owing	\$33,572

An order shall issue requiring the respondent to pay the applicant rent arrears of \$33,572 and to pay future rent on time. The applicant is granted leave to seek a further order for the rents for August, 2013 to January, 2014.

Hal Logsdon
Rental Officer