

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **RICHARD KUDLAK**, 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 **ULUKHAKTOK, NT.**

BETWEEN:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

- and -

RICHARD KUDLAK

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 three hundred twenty seven dollars and twenty two cents (\$33,327.22).
2. Pursuant to section 45(4)(b) of the *Residential Tenancies Act*, the respondent shall not breach his obligation to report the household income in accordance with the tenancy agreement in the future.
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 11th day of July,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **RICHARD KUDLAK**, 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:

ULUKHAKTOK HOUSING ASSOCIATION

Applicant/Landlord

-and-

RICHARD KUDLAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **June 19, 2014**

Place of the Hearing: **Ulukhaktok, NT**

Appearances at Hearing: **Marjorie Hansen, representing the applicant (by
telephone)
Sheila Nasogaluak, representing the applicant
Sadie Joss, representing the applicant
Richard Kudlak, respondent**

Date of Decision: **June 19, 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 in accordance with the tenancy agreement. The applicant sought an order requiring the respondent to pay the alleged rent arrears and to report the household income and pay the monthly rent on time in the future. The premises are subsidized public housing.

The applicant provided copies of the tenant ledger in evidence which indicated a balance of rent owing of \$33,766.22. The applicant stated that all of the assessed rent had been adjusted to the household income of the respondent but on numerous occasions the respondent had failed to report the household income when requested resulting in the application of the unsubsidized rent and a retroactive adjustment when the respondent supplied the required income information.

The respondent did not dispute the allegations and noted that he had agreed to a repayment plan to pay the rent arrears.

A previous order (file #20-9095), filed on July 11, 2006 has been satisfied. Ledger cards between April, 2002 and March, 2003 are missing. During that period there was a net increase of \$439. I shall not consider that amount as the applicant is unable to show the transactions during that period.

I find the respondent in breach of his obligation to pay rent and his obligation to report the household income when requested. Deducting the unaccounted amount of \$439, I find rent arrears of \$33,327.22.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$33,327.22, to not breach his obligation to report the household income again and to pay future rent on time.

Hal Logsdon
Rental Officer