

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and **Mikkel 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the hamlet of Tuktoyaktuk in the Northwest Territories**.

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

MIKKEL PANAKTALOK

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$1,275.00 (one thousand two hundred seventy-five dollars).
2. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondent must pay his rent on time in the future.

3. Pursuant to sections 41(4)(c) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the rental premises known as Unit 156 in Tuktoyaktuk, Northwest Territories, will terminate September 30, 2014, and the respondent must vacate the rental premises on or before that date, unless the rental arrears are paid in full.

DATED at the City of Yellowknife in the Northwest Territories this 21st day of July 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and **Mikkel 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

TUKTOYAKTUK HOUSING ASSOCIATION

Applicant/Landlord

-and-

MIKKEL PANAKTALOK

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	July 14, 2014
<u>Place of the Hearing:</u>	Tuktoyaktuk, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Lucille Pokiak, representing the applicant
<u>Date of Decision:</u>	July 14, 2014

REASONS FOR DECISION

An application to a rental officer made by Tuktoyaktuk Housing Association as the applicant/landlord against Mikkell Panaktalok as the respondent/tenant was filed by the Rental Office May 8, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 156 in Tuktoyaktuk, Northwest Territories. The applicant personally served a copy of the filed application package on the respondent May 21, 2014.

The applicant alleged the respondent had accumulated rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for July 14, 2014. Ms. Lucille Pokiak appeared representing the applicant. Mr. Mikkell Panaktalok was served a notice of attendance by registered mail signed for July 4, 2014. Mr. Panaktalok did not appear at the hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(4) of the *Residential Tenancies Act* (the Act).

Ms. Pokiak testified that Mr. Panaktalok has been a tenant in subsidized public housing at the rental premises known as Unit 156 in Tuktoyaktuk, Northwest Territories, since April 30, 2011. Mr. Panaktalok began accumulating rental arrears in May 2013; as of July 14, 2014, the rental arrears had been calculated at \$2,650, however, Ms. Pokiak acknowledged the rent for July had been assessed at the maximum economic rent due to Mr. Panaktalok's failure to report his household income for June. Mr. Pokiak conceded Mr. Panaktalok's subsidized rent has been assessed at \$70 per month since March 2014 and it would not be unfair to apply this same subsidized rent for July; the rental arrears are therefore currently calculated at \$1,275.

Ms. Pokiak requested an order for payment of the rental arrears, that future rent be paid on time, and a conditional termination order should Mr. Panaktalok fail to pay the rental arrears in full.

Tenancy agreement

The residential tenancy agreement entered into evidence by the applicant is dated April 20, 2011. The agreement is for subsidized public housing, specifically for the rental premises known as Unit 156 in Tuktoyaktuk, Northwest Territories. I am satisfied a valid residential tenancy agreement is in effect in accordance with the Act.

Rental arrears

The tenant ledger cards entered into evidence by the applicant represent the landlord's accounting of subsidized monthly rent and payments received between April 1, 2013, and July 10, 2014. I am satisfied they accurately represent the payments received against the account. I agree with Ms. Pokiak that it would not be unfair to presume Mr. Panaktalok's subsidized rent for July 2014 will be \$70 rather than the amount reflected in the tenant ledger card and the rental arrears will be adjusted accordingly. I find Mr. Panaktalok has accumulated rental arrears in the amount of \$1,275.

Termination of tenancy agreement

Ms. Pokiak's request for a conditional termination order is not unreasonable in these circumstances. Mr. Panaktalok's arrears have been accumulating for over a year; although he has been somewhat consistent in making payments, the amounts received have not been sufficient to cover the assessed rent every month. There has been a three-month period between March and May 2014 where no payments have been received, followed in June by two payments of higher value than previously. I am satisfied a conditional termination order is justified where the tenancy will be terminated unless the rental arrears are paid in full.

An order will issue requiring Mr. Panaktalok to pay rental arrears in the amount of \$1,275, to pay his rent on time in the future, and terminating his tenancy agreement September 30, 2014, unless the rental arrears are paid in full.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Residential tenancy agreement indeterminate lease dated April 20, 2011

Month-to-month: April 1, 2012

Schedule A - Unit #156, maximum monthly rent \$1,146 a/o April 1, 2012

Exhibit 2: Rent calculation forms for January to March 2014

Exhibit 3: Tenant ledger cards for rent from April 1, 2013, to April 14, 2014

Exhibit 4: Applicant's payment over & above regular rent assessed correspondence to respondent dated January 14, 2014

Exhibit 5: Applicant's first notice - illegal gambling in Unit #156 correspondence to respondent dated January 10, 2014

Exhibit 6: Applicant's payment over & above regular rent assessed correspondence to respondent dated December 11, 2013

Exhibit 7: Tenant ledger card for rent from April 1, 2014, to July 10, 2014

Exhibit 8: Applicant's new public housing rent scale correspondence to respondent dated June 4, 2012