

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and **Danny David Pokiak**, 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 -

**DANNY DAVID POKIAK**

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 \$1,976.39 (one thousand nine hundred seventy-six dollars thirty-nine cents).
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 regarding the rental premises known as Unit 157 in Tuktoyaktuk, Northwest Territories, is terminated August 31, 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.

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Adelle Guigon  
Deputy Rental Officer

IN THE MATTER between **Tuktoyaktuk Housing Association**, Applicant, and **Danny David Pokiak**, 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-

**DANNY DAVID POKIAK**

Respondent/Tenant

**REASONS FOR DECISION**

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

**REASONS FOR DECISION**

An application to a rental officer made by Tuktoyaktuk Housing Association as the applicant/landlord against Danny David Pokiak 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 157 in Tuktoyaktuk, Northwest Territories. The applicant personally served a copy of the filed application 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. Danny David Pokiak was served a notice of attendance by registered mail deemed served July 1, 2014, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Pokiak failed to appear for the hearing, nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Ms. Pokiak testified that Mr. Pokiak has been a tenant in subsidized public housing since December 12, 2006. Mr. Pokiak began accumulating rental arrears in April 2009. The monthly rent for subsidized public housing is assessed based on reported household income. Since July 2012, Mr. Pokiak's monthly subsidized rent has been assessed at \$70. Although the applicant has not as yet received a report of household income from Mr. Pokiak for the months of June and July, Ms. Pokiak was willing to concede it likely that Mr. Pokiak would be assessed the same monthly subsidized rent of \$70 for both months. Applying this concession, the rental arrears accumulated to date were calculated at \$1,976.39.

Balancing Mr. Pokiak's otherwise good tenancy against the amount of rental arrears, Ms. Pokiak requested an order for payment of rental arrears, that future rent be paid on time, and that the tenancy agreement be terminated unless the rental arrears were paid in full.

*Tenancy agreement*

The residential tenancy agreement dated December 12, 2006, was entered into evidence by the applicant. It is for subsidized public housing between the parties. I am satisfied a valid tenancy agreement exists between the parties in accordance with the Act.

*Rental arrears*

The rent calculation forms entered into evidence by the applicant reflect the calculation of subsidized rent for the respondent for the months of January, February, and March 2014. These forms confirm the appropriate application of subsidized monthly rent in the amount of \$70. The tenant ledger cards submitted by the applicant represent the landlord's accounting of assessed rent and payments received between April 1, 2009, and July 10, 2014. I am satisfied the tenant ledger cards accurately represent payments received. The tenant ledger cards and the rent calculation forms substantiate the determination on a balance of probabilities that the respondent's rent for June and July will be assessed subsidized rent at \$70 per month. I find Mr. Pokiak has accumulated rental arrears in the amount of \$1,976.39.

*Termination of the tenancy agreement*

The applicant's request for conditional termination of the tenancy agreement is not unreasonable when one considers the rental arrears carried by the respondent have been constant since April 2009. I find termination of the tenancy agreement is justified unless the respondent pays his rental arrears in full.

An order will issue requiring Mr. Danny David Pokiak to pay rental arrears in the amount of \$1,976.39, requiring him to pay his rent on time in the future, and terminating his tenancy agreement on August 31, 2014, unless his rental arrears are paid in full.

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Adelle Guigon  
Deputy Rental Officer

## APPENDIX A

### Exhibits

- Exhibit 1: Residential tenancy agreement fixed term lease dated December 12, 2006
- Exhibit 2: Rent calculation forms for January to March 2014
- Exhibit 3: Tenant ledger cards for rent from April 1, 2009, to April 14, 2014
- Exhibit 4: Applicant's payment over & above regular rent assessed correspondence to respondent dated February 20, 2014
- Exhibit 5: Applicant's payment over & above regular rent assessed correspondence to respondent dated January 15, 2014
- Exhibit 6: Applicant's payment over & above regular rent assessed correspondence to respondent dated December 11, 2013
- Exhibit 7: Applicant's payment over & above regular rent assessed correspondence to respondent dated October 22, 2013
- Exhibit 8: Applicant's outstanding rental arrears and tenant damage arrears correspondence to respondent dated October 10, 2013
- Exhibit 9: Agreement to pay rental arrears signed and dated July 31, 2013
- Exhibit 10: Tenant ledger card for rent from April 1, 2014, to July 10, 2014
- Exhibit 11: Applicant's new public housing rent scale correspondence to respondent dated June 4, 2012