

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **JOSHUA OLIKTOAK**, 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 -

JOSHUA OLIKTOAK

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 nineteen thousand nine hundred seventy one dollars (\$19,971.00).
2. Pursuant to sections 45(4)(a) and 45(4)(b) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to pay for electricity during the term of the tenancy agreement and shall not breach that obligation again.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of August,
2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **JOSHUA OLIKTOAK**, 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-

JOSHUA OLIKTOAK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 18, 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

Date of Decision: August 15, 2014

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail which was mailed on May 22, 2014. At the time of the hearing, there was no confirmation of receipt and the notice was eventually returned to the rental office unclaimed. In my opinion it is not unreasonable to deem the Notice of Attendance served in accordance with section 71(5) of the *Residential Tenancies Act*. The respondent failed to appear at the hearing and the hearing was held in his absence.

The applicant alleged that the respondent breached the tenancy agreement by failing to pay rent, failing to pay for electricity and failing to report the household income. The applicant sought an order requiring the respondent to pay the alleged rent arrears, to pay future rent on time and to comply with his obligations to pay for electricity and to report the household income. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing as at May 30, 2014 of \$41,101. The full unsubsidized rent of \$1445 has been applied from August 1, 2013 to December 31, 2013 and from January 1, 2014 to May, 2014 a total of ten months. The applicant stated that the full unsubsidized rent had been applied in those months because the respondent had not provided any income information on which to calculate a subsidized rent. The applicant stated that the rent for June, 2014 which had not yet been posted was also \$1445 as no income information had been received. The applicant sought rent arrears of \$42,546.

A previous order (file #20-12787, filed on June 1, 2012) ordered the respondent to pay the applicant rent arrears of \$25,013. The order has not been enforced by the applicant and has not been fully satisfied. Since the order was issued, subsidies and rent payments have been made toward the satisfaction of the order totalling \$2438, leaving an unsatisfied balance of \$22,575. I calculate these amounts as follows:

April/12 subsidy	\$860
May/12 subsidy	1378
Payments	<u>200</u>
Total	\$2438
Previous order	\$25,013
Less pmts and credits	<u>(2,438)</u>
Unsatisfied balance	\$22,575

I find the respondent in breach of his obligation to pay rent and find rent arrears of \$42,546.

Taking into consideration the unsatisfied balance of the previous order which may still be enforced, an order shall issue requiring the respondent to pay the applicant \$19,971. I calculate that amount as follows:

Leger balance as at 30/5/14	\$41,101
Plus June/14 rent	1,445
Less unsatisfied balance	<u>(22,575)</u>
This order	\$19,971

I also find the respondent in breach of his obligation to pay for electricity during the term of the agreement. An order shall issue requiring the respondent to comply with this obligation and to not breach it again. The previous order required the respondent to comply with his obligation to report the household income and to pay future rent on time. These orders remain in effect.

Hal Logsdon
Rental Officer