

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **DAN KLENGENBERG**, 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 -

DAN KLENGENBERG

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 seven thousand eight hundred ninety five dollars (\$37,895.00).
2. Pursuant to sections 45(4)(a) and 45(4)(b) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to report the household income in accordance with the tenancy agreement and shall not breach that obligation again.
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 5th day of
September, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **ULUKHAKTOK HOUSING ASSOCIATION**, Applicant,
and **DAN KLENGENBERG**, 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-

DAN KLENGENBERG

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 31, 2014

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail on May 22, 2014. At the time of the hearing there was no confirmation of receipt. In my opinion, it is not unreasonable to deem the notice 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 had breached the tenancy agreement by failing to pay rent and 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, comply with his obligation to report the household income and to pay the monthly rent on time. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$37,895. The full unsubsidized rent has been assessed from December, 2012 to present. The applicant testified that the unsubsidized rent had been charged because the respondent failed to provide any income information on which to calculate a subsidized rent.

I find the respondent in breach of his obligation to pay rent and find rent arrears of \$37,895. I find the application of the full unsubsidized rent to be reasonable. I also find the respondent in breach of his obligation to report the household income in accordance with the tenancy agreement.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$37,895, to comply with his obligation to report the household income and to not breach that obligation again and to pay future rent on time.

Hal Logsdon
Rental Officer