

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and **JOEY WATTERS AND DEBBIE BERNHARDT**, Respondents;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **INUVIK, NT**.

BETWEEN:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

- and -

**JOEY WATTERS AND DEBBIE BERNHARDT**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 45(4)(a) of the *Residential Tenancies Act*, the respondents shall comply with their obligation to report the household income to the applicant by providing all of the following documents:
  - a) 2013 T1 General Tax returns
  - b) 2013 forms T2125
  - c) Statements of any other income
  - d) Bank statements from October 2013 to present
2. Pursuant to sections 45(4)(e) and 83(2) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as PL 128, 11A Kugmallit Road,

Inuvik, NT shall be terminated on February 28, 2015 and the respondents shall vacate the premises on that date unless the ordered documents are provided to the applicant on or before that date.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of February, 2015.

---

Hal Logsdon  
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and **JOEY WATTERS AND DEBBIE BERNHARDT**, Respondents.

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:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

-and-

**JOEY WATTERS AND DEBBIE BERNHARDT**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** January 14, 2015

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

**Appearances at Hearing:** Kim Burns, representing the applicant  
Diane Day, representing the applicant  
Joey Watters, respondent  
Debbie Bernhardt, respondent

**Date of Decision:** January 14, 2015

### **REASONS FOR DECISION**

The applicant served a notice of termination on the respondents dated September 22, 2014 terminating the monthly tenancy agreement on October 31, 2014 for non-payment of rent. The applicant sought an order requiring the respondents to pay the alleged rent arrears, compensation for use and occupation of the rental premises after the termination of the tenancy agreement and eviction. The premises are subsidized public housing.

The applicant provided a statement of account in evidence which indicated a balance owing of \$13,000. The full unsubsidized rent has been applied on numerous occasions. The applicant stated that they had not received complete housing income information from the respondents since January 2013 and had applied the full unsubsidized rent since November 1, 2014 because the respondents were overholding tenants.

The applicant stated that they had received “a large bag of receipts/papers” from the respondent’s business in September, 2014 and had notified the respondents that they must provide specific documents pertaining to their household income. A notice, dated September 4, 2014, was served on the respondents demanding specific documents be submitted in order to calculate the rent. The applicant testified that no documents were provided.

The respondents stated that the landlord had previously agreed to determine their rent based on the documents that they provided. They acknowledged that they had provided Ms Bernhardt’s

income tax return but had not provided any information for Mr Watters or from the business income.

Section 51(5) of the *Residential Tenancies Act* sets out the requirements for a notice to terminate a tenancy agreement given by a public housing landlord.

**51.(5) Where a tenancy agreement for subsidized public housing is renewed as a monthly tenancy under subsection 49(1), a landlord may terminate the tenancy on the last day of a period of the tenancy, by giving the tenant a notice of termination not later than 30 days before that day.**

There is no evidence that the current monthly tenancy agreement was preceded by a term agreement. The respondents acknowledged that the tenancy agreement between the parties was always monthly. Therefore the notice of termination issued by the applicant was not effective to terminate the tenancy agreement and the respondents are not currently overholding.

Tenants of subsidized public housing are required to report their household income whenever the landlord requests that information. Article 6 of the tenancy agreement between the parties sets out this obligation

**6. Tenant's Income**

The Tenant promises to provide a subsidy agent appointed by the Landlord with an accurate report of the Tenant's income, the income of any occupant of the Premises, the size of the Tenant's family, and the number of occupants residing on the Premises, whenever, and as often as, the subsidy agent requests such a report. All reporting by the Tenant must be in the form prescribed by the subsidy agent.

Where all or part of the household income is derived from business income it is not unreasonable to expect the tenants to provide a statement of revenue and expenses and/or an income tax schedule of business income (T2125). It is not reasonable to expect the landlord to prepare such a

statement on the submission of original documents by the tenant.

Although there were no documents provided at the hearing by either party, the description of the documents as “a large bag of receipts/papers” does not convince me that the respondents have complied with Article 6 of the tenancy agreement. The applicant has, by written notice set out specific documents that they require and in my opinion, the request is reasonable.

Rent based on household income is a cornerstone of the public housing program. It ensures that scarce public funds are provided to those in accordance with their need. Failure to report income is, in my opinion, a serious breach of the tenancy agreement.

An order shall issue requiring the respondents to provided the following documents to the applicant no later than February 28, 2015.

- a) 2013 T1 General Tax returns.
- b) 2013 forms T2125.
- c) Statements of any other income.
- d) Bank statements from October 2013 to present.

The tenancy agreement shall be terminated on February 28, 2015 if the respondents fail to provide the ordered documents. An eviction order to be effective on March 1, 2015 unless the

- 5 -

ordered documents are provided to the applicant on or before February 28, 2015 shall be issued separately.

---

Hal Logsdon  
Rental Officer