

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
MATILDA LENNIE, 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 **TULITA, NT**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

MATILDA LENNIE

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 one thousand thirty four dollars (\$1034.00).
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 unit #0099, Tulita, NT shall be terminated on March 15, 2015 and the respondent shall vacate the premises on that date unless the household income for September, October, November and December, 2014 and January, 2015 is reported to the applicant in accordance with the tenancy agreement.

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 26th day of February, 2015.

Hal Logsdon
Rental Officer

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
MATILDA LENNIE, 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:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

MATILDA LENNIE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 18, 2015

Place of the Hearing: Tulita, NT

Appearances at Hearing: Helen Squirrel, representing the applicant

Date of Decision: February 18, 2015

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail and confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in her absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement. The premises are subsidized public housing.

The applicant provided a copy of the tenant rent ledger in evidence which indicated a balance of rent owing in the amount of \$6464. The full unsubsidized rent of \$1445 has been charged in each month from October, 2014 to January, 2015. The applicant testified that the respondent had failed to provide any income information on which to calculate a subsidized rent.

Article 6 of the tenancy agreement obligates the tenant to provide income information on the request of the landlord.

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.

The applicant stated that the respondent was required to provide income information monthly but acknowledged that the household income had not changed materially throughout the tenancy.

The applicant stated that she expected the rent to be assessed at the minimum level of \$70/month when the income was reported.

Although I accept that the respondent has been requested to report the household income every month and has breached that obligation as set out in article 6 of the tenancy agreement, the requirement for monthly reporting appears to be unnecessary. I note that the recent changes to the public housing rent scale were made, in part, to eliminate monthly income reporting where the household income was reasonably stable from month to month. It would appear that quarterly or semi-annual income reporting would be sufficient in this case and I urge the applicant to consider this alternative.

In my opinion, it is not reasonable in this case to issue an order to include the full unsubsidized rent when almost surely, that amount will be significantly reduced when the respondent submits the required income information. In my opinion, it is more reasonable to issue an order for \$1034 and to terminate the tenancy agreement unless the missing income information is promptly provided. I calculate the \$1034 as follows:

Balance as per ledger	\$6464
Less unsubsidized rent applied	(5780)
October/14 to February/15 rent	<u>350</u>
Total	\$1034

An order shall issue requiring the respondent to pay the applicant rent arrears of \$1034 and

terminating the tenancy agreement on March 15, 2015 unless the household income for September, October, November and December, 2014 and January, 2015 is reported to the applicant. The applicant is also ordered to pay future rent on time.

Hal Logsdon
Rental Officer