

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
CAROLINE WIDOW, 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 -

CAROLINE WIDOW

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 84(3) and 41(4)(a) of the *Residential Tenancies Act*, the previous order (file #20-13703, filed on December 13, 2013) is rescinded and the respondent is ordered to pay rent arrears in the amount of eleven thousand eight hundred six dollars (\$11,806.00).
 2. Pursuant to sections 41(4)(c) and 45(4)(e) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as #0049, Tulita, NT shall be terminated on April 30, 2015 and the respondent shall vacate the premises on that date.
- DATED at the City of Yellowknife, in the Northwest Territories this 17th day of March, 2015.

Hal Logsdon
Rental Officer

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and
CAROLINE WIDOW, 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-

CAROLINE WIDOW

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: March 14, 2015

REASONS FOR DECISION

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing, there was no confirmation of receipt but Canada Post confirmed that a notice had been delivered to the respondent's address on February 2, 2015 indicating where the item could be picked up. A rental officer contacted the respondent by telephone on February 12, 2015 and advised her of the notice and the location, date and time of the hearing. The respondent failed to appear at the hearing. 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 hearing was held in the absence of the respondent.

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 and evicting the respondent. The rental 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 \$11,806. The full unsubsidized rents have been assessed in February, October, November and December, 2014 and in January and February, 2015. The applicant testified that the February, 2014 rent had been calculated on the household income but the remaining unsubsidized rents had been applied because the respondent had failed to provide any

household income information on which to calculate a subsidized rent.

A previous order (file #20-13703, filed on December 13, 2013) required the respondent to pay the monthly rent on time and to pay rent arrears and repair costs totalling \$4950 in monthly installments of \$100 until the rent arrears were paid. That order also terminated the tenancy agreement on February 28, 2014 unless the monthly rents plus the arrears payments were paid on or before that date.

The ledger indicates that the respondent paid a sufficient amount to avoid the termination of the tenancy agreement on February 28, 2014 but has not paid sufficient amounts since that date to satisfy the order. As well, the respondent has ceased to report the household income since September, 2014 or pay any rent whatsoever since July, 2014.

I find the respondent in breach of the previous order by failing to pay the monthly rent, the ordered monthly payments of rent arrears and by failing to report the household income in accordance with the tenancy agreement. I find the application of the full unsubsidized rent to be reasonable and find current rent arrears of \$11,806. In my opinion, there are sufficient grounds to rescind the previous order, order the payment of the current balance and terminate the tenancy agreement. The applicant shows little or no interest in paying rent or reporting the household income.

An order shall issue rescinding the previous order and ordering the respondent to pay the current balance of \$11,806 and terminating the tenancy agreement on April 30, 2015. An eviction order

to be effective on May 1, 2015 shall be issued separately.

Hal Logsdon
Rental Officer