

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
KARAN NITSIZA AND ROBERT GRANDJAMBE, Respondents;

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 **WHATI, NT**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

KARAN NITSIZA AND ROBERT GRANDJAMBE

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed without prejudice.

DATED at the City of Yellowknife, in the Northwest Territories this 15th day of April,
2015.

Hal Logsdon
Rental Officer

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
KARAN NITSIZA AND ROBERT GRANDJAMBE, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

KARAN NITSIZA AND ROBERT GRANDJAMBE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: March 26, 2015

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Michael Keohane, representing the applicant
Karan Nitsiza, respondent

Date of Decision: March 26, 2015

REASONS FOR DECISION

Ms Nitsiza's first name is incorrectly spelled on the application. The order reflects the correct spelling of Ms Nitsiza's name.

This application was filed on February 2, 2015 pursuant to sections 41 and 63 of the *Residential Tenancies Act*. The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring payment of the alleged rent arrears, termination of the tenancy agreement and the eviction of the respondents from the rental premises. However, at the hearing, the applicant alleged that the respondents had failed to provide accurate, complete or any income information since 2008. The applicant withdrew their request for an order to pay the rent arrears and sought an order requiring the respondents to comply with their obligation to report the household income in accordance with the tenancy agreement.

The applicant presented no evidence relating to what months the respondents failed to report any income information, what months they believed that the income information reported and used to assess the rent was incomplete or inaccurate or why they believed the income information was incomplete or inaccurate. The application does not refer to a breach of section 45 or refer to the remedy now sought. It appears from the ledger evidence provided that the applicant assessed the rent for many months based on the income provided but now, some seven years later, alleges that some of the income information was inaccurate or incomplete.

Although section 83(1) of the *Residential Tenancies Act* permits a rental officer to make an order that was not specifically applied for, I decline to do so. In this matter, the applicant is unprepared to present any evidence to support these allegations. This application could not succeed even if I were to consider the alleged breach pursuant to section 45. Therefore I shall dismiss this application without prejudice. The applicant may file another application pursuant to section 45 alleging the failure of the respondents to report the household income in accordance with the tenancy agreement.

Hal Logsdon
Rental Officer