

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
DAYNA NITSIZA, 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 **WHATI, NT**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

DAYNA NITSIZA

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears of eight thousand two hundred forty six dollars and fifty cents (\$8246.50) in monthly installments of one hundred dollars (\$100.00), payable on the last day of every month until the rent arrears are paid in full. The first payment of arrears shall be due on August 31, 2015.
2. 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 1st day of October,
2015.

Hal Logsdon
Rental Officer

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DAYNA NITSIZA, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

DAYNA NITSIZA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 20, 2015

Place of the Hearing: Whati, NT via teleconference

Appearances at Hearing: Jessica Relucio, representing the applicant (by
telephone)
Dayna Nitsiza, respondent

Date of Decision: August 20, 2015

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by 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 and to report the household income and terminating the tenancy agreement and evicting the respondent unless the alleged rent arrears were paid on or before November 30, 2015. The premises are subsidized public housing.

The applicant provided a lease balance statement in evidence which indicated a balance of rent owing of \$9791.50. The applicant stated that the full unsubsidized rent of \$1545 had been applied in August, 2015 because the respondent had failed to provide any income information to enable the calculation of a subsidized rent. All other rent assessments have been based on the household income.

The applicant stated that a payment of \$150 was made on July 10, 2015 which did not appear on the lease balance statement.

The respondent disputed the allegations, stating that the household income had been reported for the August, 2015 rent assessment. The respondent did not dispute any other rent assessments or payments and suggested that she could pay the rent arrears in monthly installments of \$100/month and pay the monthly rent on time.

I find the respondent in breach of her obligation to pay rent. The evidence suggests that the respondent has provided the income information necessary to calculate the August 2015 rent. The applicant operates the social housing portfolio through an agent in the community and it appears that the reported household income has not been forwarded to the applicant in order to calculate a subsidized rent for August. I shall ignore the August rent and find the rent arrears to be \$8246.50 calculated as follows:

Arrears as per ledger	\$9941.50
Less unsubsidized August/15 rent	(1545.00)
July 10/15 pmt	<u>(150.00)</u>
Total	\$8246.50

The ledger suggests that the monthly rent has been subsidized based on the household income since April, 2012. While the respondent may have failed to report the household income prior to that date, there is no recent breach of the obligation and, in my opinion, an order is not justified.

I find the repayment plan suggested by the respondent to be reasonable. No previous orders have been issued against her and the payment of such an amount by November 30 is most likely beyond the means of the respondent. I find the rent arrears to be \$8246.50. An order shall issue requiring the respondent to pay the applicant rent arrears of \$8246.50 in installments of \$100/month and to pay the monthly rent on time. The arrears payments shall be paid on the last day of every month until the arrears are paid in full and the first payment shall be due on August 31, 2015.

Should the respondent fail to pay the ordered payments of the rent arrears or fail to pay the

monthly rent on time, the applicant may file another application seeking the full lump sum payment of any remaining balance and termination of the tenancy agreement.

This decision was made known to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer