

IN THE MATTER between **FORT LIARD SOCIAL HOUSING**, Applicant, and
KRISTINA POWDER AND RON EDDA, 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 **FORT LIARD, NT**.

BETWEEN:

FORT LIARD SOCIAL HOUSING

Applicant/Landlord

- and -

KRISTINA POWDER AND RON EDDA

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of six thousand three hundred ninety dollars (\$6390.00).
2. Pursuant to sections 41(4)©, 45(4)(e) and 83(2) of the *Residential Tenancies Act* the tenancy agreement between the parties for the premises known as #810, 199 Birch Street, Lot 199, LTO 1910, Fort Liard, NT shall be terminated on November 30, 2015 and the respondents shall vacate the premises on that date unless the household income for the

months of July, August, September and October, 2015 is reported in accordance with the tenancy agreement.

3. Pursuant to section 41(4)(b) of the *Residential Tenancies Act*, the respondents shall pay future rent on time.

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of October, 2015.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT LIARD SOCIAL HOUSING**, Applicant, and
KRISTINA POWDER AND RON EDDA, 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:

FORT LIARD SOCIAL HOUSING

Applicant/Landlord

-and-

KRISTINA POWDER AND RON EDDA

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 30, 2015

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Ellen McLeod, representing the applicant

Date of Decision: September 30, 2015

REASONS FOR DECISION

The respondents were sent Notices of Attendance by registered mail. At the time of the hearing, there was no confirmation of delivery but Canada Post confirmed that a card had been left indicating where the item could be picked up. The respondents failed to appear at the hearing. In my opinion it is not unreasonable to deem the Notices of Attendance served in accordance with section 71(5) of the *Residential Tenancies Act*. The hearing was held in the absence of the respondents.

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

The applicant provided a statement of the rent account which indicated a balance of rent owing of \$6390. The full unsubsidized rent of \$1545 has been charged in the months of August and September. The applicant testified that the respondents failed to provide any income information for July and August to enable a rent subsidy to be calculated for August and September. Article 6 of the tenancy agreement obligates the tenant to report the household income whenever requested. The applicant requires monthly reporting.

I find the respondents in breach of their obligation to pay rent and their obligation to report the

household income. I find the application of the full unsubsidized rent to be reasonable but note that should the respondents report the household income, the applicant is obligated to adjust the unsubsidized rents as required. I find the rent arrears to be \$6390. In my opinion, there are sufficient grounds to terminate the tenancy agreement unless the respondents report the household income in accordance with the tenancy agreement.

An order shall issue requiring the respondents to pay the applicant rent arrears of \$6390 and terminating the tenancy agreement on November 30, 2015 unless the household income for the months of July, August, September and October, 2015 are reported to the applicant in accordance with the tenancy agreement. The respondents are also ordered to pay the monthly rent on time.

Hal Logsdon
Rental Officer