

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,  
Applicant, and **MARGARET ELANIK**, 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 **TUKTOYAKTUK, NT.**

BETWEEN:

**TUKTOYAKTUK HOUSING ASSOCIATION**

Applicant/Landlord

- and -

**MARGARET ELANIK**

Respondent/Tenant

**ORDER**

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 31st day of March,  
2016.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **TUKTOYAKTUK HOUSING ASSOCIATION**,  
Applicant, and **MARGARET ELANIK**, 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:

**TUKTOYAKTUK HOUSING ASSOCIATION**

Applicant/Landlord

-and-

**MARGARET ELANIK**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** March 3, 2016

**Place of the Hearing:** Tuktoyaktuk, NT via telephone

**Appearances at Hearing:** Lucille Pokiak, representing the applicant  
Brian Larman, representing the applicant  
Darlene Elanik, representing the respondent

**Date of Decision:** March 3, 2016

### **REASONS FOR DECISION**

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 premises are subsidized public housing.

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing in the amount of \$16,933.16.

The respondent was represented by her daughter, Darlene Elanik. Ms Elanik stated that her mother was 83 years old. Her adult son, John, lives with her and provides care. John frequently works and his income is included in the calculation of the monthly rent. The respondent is the sole tenant. Ms Elanik stated that her mother is forgetful and has difficulty remembering to address the monthly rent.

The ledger indicates that many of the rent payments are made by John and that the rent is often not paid for several months, then paid in a large lump sum.

The applicant confirmed that if only the respondent's income was included for rent assessment, the rent would be set at \$70, the minimum. They acknowledged that rent in excess of the minimum was the result of John's income.

A previous order (file #20-13496, filed on October 2, 2013) required the respondent to pay rent arrears of \$19,702.72. The rental officer noted in her reasons for decision that the applicant had “no desire to terminate this elder’s tenancy”. The applicant continues to hold this opinion and stated that they only seek termination and eviction orders due to a policy directive issued by the NWT Housing Corporation designed to facilitate negotiations with tenants leading to a payment plan.

Ms Elanik appears genuinely concerned about her mother’s tenancy. I believe she will try to help her mother and John work out a plan to better resolve this issue. In fact, the arrears have decreased since the last order albeit, not at the pace that the applicant would prefer. This is not a case of disregard for the obligation to pay rent.

In my opinion, termination and eviction orders are not reasonable given the circumstances. Clearly, they will not be enforced and, in my opinion, will not be particularly helpful in arranging a more reasonable payment plan for the arrears. The previous order is sufficient and may still be filed and enforced. Therefore the application shall be dismissed.

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Hal Logsdon  
Rental Officer