

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**, Applicant, and **CATHERINE SQUIRREL AND GORDON SQUIRREL AND MARY ELLA SQUIRREL**, 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, regarding the rental premises at **YELLOWKNIFE, NT**.

BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

- and -

CATHERINE SQUIRREL AND GORDON SQUIRREL AND MARY ELLA SQUIRREL

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondents Catherine Squirrel and Gordon Squirrel shall pay the applicant compensation for overholding in the amount of two thousand seven hundred thirty six dollars (\$2736.00)
2. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents Catherine Squirrel, Gordon Squirrel and Mary Ella Squirrel shall pay the applicant rent arrears in the amount of five hundred eleven dollars and twenty nine cents (\$511.29).

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

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of July, 2003.

Hal Logsdon
Rental Officer

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Applicant, and **CATHERINE SQUIRREL AND GORDON SQUIRREL AND
MARY ELLA SQUIRREL**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
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BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

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-and-

CATHERINE SQUIRREL AND GORDON SQUIRREL AND MARY ELLA SQUIRREL

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 14, 2003

Place of the Hearing: Fort Providence, NT

Appearances at Hearing: Diana Gargan, representing the applicant

Date of Decision: July 28, 2003

REASONS FOR DECISION

The respondents were served with Notices of Attendance on June 20, 2003 but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order requiring the applicants to pay the alleged rent arrears and to pay future rent on time. The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$3337.29.

The tenancy agreement between the parties was made in writing on June 13, 2003. Prior to that there was a tenancy agreement between the applicant and joint tenants Charlie Squirrel, Catherine Squirrel and Gordon Squirrel. That tenancy agreement was terminated by order of a rental officer on February 28, 2001. The tenants did not vacate the premises and the landlord permitted them to overhold until June 13, 2002 when a new tenancy agreement was executed between the landlord and Catherine Squirrel, Gordon Squirrel and Mary Ella Squirrel.

There are, in fact, two tenancy agreements but the applicant has treated them as one on the tenant ledger. Taking into consideration payments made between December 6, 2000 when the hearing was held with respect to the previous tenancy, and June 13, 2002, when the new tenancy commenced, I find the previous order regarding rent arrears has been satisfied. There are however outstanding charges amounting to \$2736 which must be considered compensation for

overholding since the tenancy agreement was legally terminated by order. These charges are the responsibility of the previous tenants who are named in this application, Catherine Squirrel and Gordon Squirrel. I calculate these charges as follows:

Previous order	\$2350.00
Amount paid (Dec 06/00 to June 13/02)	(3452.00)
Additional rent assessed to Feb 28/01	333.00
Overholding (Feb 28/01 to June 13/02)	<u>3505.00</u>
Amount due	\$2736.00

There are also rent arrears respecting the current tenancy of \$511.29 which are the responsibility of the respondents. I calculate the rent arrears in the following manner.

Rent assessed (July/02 to July/03)	\$2226.00
Amounts paid (July/02 to July/03)	<u>(1714.71)</u>
Rent arrears owing	\$511.29

I also find that the respondents have failed to pay the rent on the days it is due.

An order shall be issued requiring the previous tenants named on the application, Catherine Squirrel and Gordon Squirrel to pay the applicant compensation for overholding in the amount of \$2736. The order shall require the respondents and current tenants, Catherine Squirrel, Gordon Squirrel and Mary Ella Squirrel, to pay the applicant rent arrears in the amount of \$511.29. The order shall also require the respondents to pay future rent on time.

Hal Logsdon
Rental Officer