

IN THE MATTER between **FORT PROVIDENCE HOUSING ASSOCIATION**,
Applicant, and **KNUTE NORWEGIAN AND ROSEMARY BONNETROUGE**,
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 **FORT PROVIDENCE, NT**.

BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

- and -

KNUTE NORWEGIAN AND ROSEMARY BONNETROUGE

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 one hundred eighty two dollars and nineteen cents (\$182.19).
2. Pursuant to section 67(4) of the *Residential Tenancies Act* the respondents shall pay the applicant compensation for overholding in the amount of six thousand two hundred eighty eight dollars and fifty two cents (\$6288.52).

DATED at the City of Yellowknife, in the Northwest Territories this 17th day of July,
2003.

Hal Logsdon
Rental Officer

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-and-

KNUTE NORWEGIAN AND ROSEMARY BONNETROUGE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 15, 2003

Place of the Hearing: Fort Providence, NT

Appearances at Hearing: Diana Gargan, representing the applicant

Date of Decision: July 16, 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 respondents to pay the alleged rent arrears and terminating the tenancy agreement between the parties. The applicant provided a copy of the ledger which indicated a balance owing in the amount of \$6534.71. The rent for the months of November, 2002 and March, April, June and July, 2003 was assessed at \$1280 which the applicant noted was the full unsubsidized rent for the premises. The applicant stated that the respondents had failed to report any household income information for these months.

A previous order was issued (File #10-7121, filed on November 7, 2002) requiring the respondents to pay rent arrears in the amount of \$987.71 and report household income. That order also terminated the tenancy agreement on December 15, 2002 unless the order was satisfied. The ledger indicates that only \$600 was paid prior to December 15, 2002.

There is no evidence to suggest that a new tenancy agreement was entered into or that the tenancy was reinstated. In my opinion, the tenancy agreement was terminated by order on December 15, 2002. There is no requirement to issue another order in that regard. The tenants are overholding.

Applying all payments made first to the satisfaction of the previous order, then to rent which accrued since the previous order to December 15, 2002 I find that the previous order has been satisfied as it pertains to rent. I find the rent arrears to be \$182.19, calculated as follows:

Rent (Nov/02)	\$1280.00
Rent (Dec 5-31/02)	150.48
Less adjustment for ledger error	(36.00)
Less payments after satisfaction of previous order	<u>(1212.29)</u>
Rent arrears	\$182.19

I find compensation for overholding to be \$6288.52 based on charges noted on the ledger from December, 2002 to July, 2003 calculated as follows:

December 16-31, 2002	\$160.52
January, 2003	375.00
February, 2003	375.00
March, 2003	1280.00
April, 2003	1280.00
May, 2003	258.00
June, 2003	1280.00
July, 2003	<u>1280.00</u>
Total	\$6288.52

An order shall be issued requiring the respondents to pay rent arrears and compensation for overholding in the total amount of \$6470.71

Hal Logsdon
Rental Officer