

IN THE MATTER between **MARK DAHL AND JULIE DAHL**, Applicants, and
SCOTT CUTTING AND MARY KODAKIN, 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:

MARK DAHL AND JULIE DAHL

Applicants/Landlords

- and -

SCOTT CUTTING AND MARY KODAKIN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicants rent arrears in the amount of four thousand three hundred sixty four dollars (\$4364.00).
2. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 40 Stevens Crescent, Yellowknife, NT shall be terminated on May 25, 2006 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 24th day of May,
2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **MARK DAHL AND JULIE DAHL**, Applicants, and
SCOTT CUTTING AND MARY KODAKIN, 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:

MARK DAHL AND JULIE DAHL

Applicants/Landlords

-and-

SCOTT CUTTING AND MARY KODAKIN

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	May 23, 2006
<u>Place of the Hearing:</u>	Yellowknife, NT
<u>Appearances at Hearing:</u>	Shane Clark, representing the applicants Scott Cutting, respondent
<u>Date of Decision:</u>	May 23, 2006

REASONS FOR DECISION

The applicants 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.

The applicants' representative testified that the respondents owed rent arrears in the amount of \$4720 calculated as follows:

Balance as at February/06	\$500
March rent	2000
April rent	2000
May rent	2000
Payment received	<u>(1780)</u>
Balance owing	\$4720

The respondent did not dispute the allegations but indicated that he was in the process of vacating and would give up possession of the premises on May 25, 2006. He stated that the rent for the month of May, 2006 should be prorated to May 25, 2006.

As there is every indication that the respondent will vacate the premises on May 25, 2006, in my opinion, it is reasonable to calculate the rent owing to May 25, 2006 which I find to be \$4364.

However, should the respondent fail to vacate, the applicant may seek a future order for compensation for overholding.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$4364 and terminating the tenancy agreement on May 25, 2006.

Hal Logsdon
Rental Officer