

IN THE MATTER between **NORMAN WELLS HOUSING AUTHORITY**, Applicant,
and **ROGER ODGAARD**, 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,
regarding the rental premises at **NORMAN WELLS, NT**.

BETWEEN:

NORMAN WELLS HOUSING AUTHORITY

Applicant/Landlord

- and -

ROGER ODGAARD

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of five thousand nine hundred forty one dollars and twenty nine cents (\$5941.29).
2. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondent shall pay the applicant compensation for use and occupation of the rental premises, after the tenancy agreement was terminated in the amount of three thousand two hundred fifty eight dollars (\$3258.00).

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of August,
2007.

Hal Logsdon
Rental Officer

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BETWEEN:

NORMAN WELLS HOUSING AUTHORITY

Applicant/Landlord

-and-

ROGER ODGAARD

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 14, 2007

Place of the Hearing: Norman Wells, NT via teleconference

Appearances at Hearing: Kathleen Bjornson, representing the applicant

Date of Decision: August 14, 2007

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail and confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in his absence.

The tenancy agreement between the parties commenced on January 30, 2007 and was made for a term ending on April 29, 2007. The applicant stated that the respondent failed to enter into a new tenancy agreement or report any income information after that date, yet did not give up possession of the premises until mid-July, 2007. The applicant applied the full unsubsidized rent of \$1629 for May and June, 2007. No rent was charged for July, 2007.

The applicant prepared a statement of the security deposit applying the deposit and accrued interest to rent arrears. The applicant sought an order requiring the respondent to pay the remaining balance of \$9199.29.

The premises are subsidized public housing and are therefore exempt from the automatic renewal provisions contained in section 49 of the *Residential Tenancies Act*. As the respondent remained in possession after the expiry of the tenancy agreement, he became an overholding tenant and is liable for compensation to the landlord for use and occupation of the premises at the full unsubsidized rent.

I find the security deposit statement and the rent statement in order. An order shall issue

requiring the respondent to pay the applicant rent arrears in the amount of \$5941.29 and compensation for use and occupation in the amount of \$3258, calculated as follows:

Security deposit	\$500.00
Interest	41.29
Less rent arrears	<u>(6482.58)</u>
Rent arrears	\$5941.29
Plus compensation (May & June/07)	<u>3258.00</u>
Total amount owing applicant	\$9199.29

Hal Logsdon
Rental Officer