IN THE MATTER between **PAULATUK HOUSING ASSOCIATION**, Applicant, and **ANGELA RUBEN AND RICHARD RUBEN**, Respondents;

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 **PAULATUK, NT.**

BETWEEN:

PAULATUK HOUSING ASSOCIATION

Applicant/Landlord

- and -

ANGELA RUBEN AND RICHARD RUBEN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1.   Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondents shall pay the applicant compensation for use and occupation of the rental premises after the tenancy agreement was terminated in the amount of nine thousand one hundred seventy nine dollars and seventy two cents ($9179.72) plus;

   a)   one hundred thirty four dollars and sixty seven cents ($134.67) for each day in June after June 28, 2011 that the respondents remain in possession of the premises and,

   b)   one hundred thirty dollars and thirty two cents ($130.32) for each day in July

and August, 2011 that the respondents remain in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 8th day of July, 2011.

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Hal Logsdon
Rental Officer

IN THE MATTER between **PAULATUK HOUSING ASSOCIATION**, Applicant, and **ANGELA RUBEN AND RICHARD RUBEN**, 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:

PAULATUK HOUSING ASSOCIATION

Applicant/Landlord

-and-

ANGELA RUBEN AND RICHARD RUBEN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: **June 28, 2011**

Place of the Hearing: **Paulatuk, NT via teleconference**

Appearances at Hearing: **Keith Dowling, representing the applicant**
                                 Angela Ruben, respondent
                                 Richard Ruben, respondent

Date of Decision: **June 28, 2011**

REASONS FOR DECISION

The applicant testified that the tenancy agreement between the parties was terminated by order

(file #20-11915, filed on April 6, 2011) on April 15, 2011 when the respondents failed to satisfy

the order by paying the outstanding rent. The applicant testified that the respondents were still in

possession of the premises and sought an order evicting the respondents and requiring them to

pay compensation for use and occupation of the premises after the tenancy agreement was

terminated on April 15, 2011. The premises are subsidized public housing.

The respondents did not dispute the allegations.

I find that this tenancy agreement was terminated in accordance with the *Residential Tenancies*

Act and find the respondents to be overholding. Accordingly, the respondents are liable for

compensation for use and occupation of the premises at the full unsubsidized monthly rental rate

of $4040.

The respondents were assessed $1302 for the month of April, 2011 based on their household

income. Therefore the compensation for the period April 16-30 is $1369.05 calculated as

follows:

> Fifteen days at the full unsubsidized rent minus fifteen days at the full unsubsidized
>
> rent equals compensation for April 16-30 or,
>
> (15 days x $134.67) - (15 days x $43.40) = $1369.05

Total compensation for the period April 16, 2011 to the hearing date, June 28, 2011 is $9179.02

calculated as follows:

April 16-30 compensation	$1369.05
May compensation	4040.00
June 1-28 compensation	3770.67
Total to June 28/11	$9179.72

For each day the respondents continue to occupy the premises the compensation is $134.67 for

each additional day in June, 2011 and $130.32 for each additional day in July and August, 2011.

An order shall issue requiring the respondents to pay the applicant compensation for use and

occupation of the rental premises from April 16 to June 28, 2011 in the amount of $9179.72 plus

the per diem rates listed above for each additional day they remain in possession of the premises.

An eviction order will issue separately.

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Hal Logsdon
Rental Officer