

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and **GARY VITAL**, Respondent;

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 **DELINE, NT**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

GARY VITAL

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 sixty four dollars (\$64.00).
2. Pursuant to sections 63(4)(b) and 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 twelve thousand two hundred twenty one dollars and forty seven cents (\$12,221.47) and,
 - a) Forty three dollars and three cents (\$43.03) for each day in September, 2011 after September 14, 2011 that the respondent remains in possession and,
 - b) Forty one dollars and sixty four cents (\$41.64) for each day on October, 2011

that the respondent remains in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of
September, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and **GARY VITAL**, 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.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

GARY VITAL

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 14, 2011
<u>Place of the Hearing:</u>	Yellowknife, NT via teleconference
<u>Appearances at Hearing:</u>	Phebie Kenny, representing the applicant Leslie Baton, representing the applicant Gary Vital, respondent
<u>Date of Decision:</u>	September 19, 2011

REASONS FOR DECISION

The tenancy agreement between the parties was terminated by order on November 30, 2010 (file #20-11642, filed on October 27, 2010). The applicant remains in possession of the premises. The applicant sought an order requiring the respondent to pay rent arrears and compensation for use and occupation after November 30, 2010 and an eviction order. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance owing in the amount of \$15,587.40. The full unsubsidized rent has been charged in December, 2010 and in January-August, 2011.

The respondent stated that he thought that money taken off his pay in 2009 may not have been remitted to the landlord, causing him to breach an earlier order requiring him to make payments of \$100 plus the monthly rent (file #20-11123, filed on December 2, 2009). He provided no evidence of any payroll deductions made by his former employer. I also note that the amount of rent owing was determined at the October, 2010 hearing, at which the respondent had no dispute with the balance of rent shown on the landlord's ledger. If there was any evidence to support the respondent's claim of possible un-remitted payroll deductions, I would be unable to consider it.

Most of the balance shown on the applicant's ledger is not rent but compensation for use and occupation of the premises after November 30, 2010. Only the October and November, 2010

rents of \$32/month was not included in the previous order. I find rent arrears not included in the previous order to be \$64. I find compensation for use and occupation from December 1, 2010 to September 14, 2011 to be \$12,221.47 calculated as follows:

December- August (9 months @ \$1291/month)	\$11,619.00
September 1-14	<u>602.47</u>
Total	\$12,221.47

The per diem compensation for use and occupation is \$43.03 for additional days in September, 2011 and \$41.64 for additional days in October, 2011.

An order shall issue requiring the respondent to pay the applicant rent arrears (\$64) and compensation for use and occupation (\$12,221.47) plus additional compensation on a per diem basis for any additional days the respondent remains in occupation of the premises. An eviction order to be effective on September 30, 2011 shall be issued separately.

Hal Logsdon
Rental Officer