

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
TRINA ROGERS AND JIMMY BONNETPLUME, 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 **INUVIK, NT.**

BETWEEN:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

- and -

TRINA ROGERS AND JIMMY BONNETPLUME

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondents shall pay the applicant compensation for use and occupation of the rental premises after the termination of the tenancy agreement in the amount of five thousand eight hundred fifty dollars (\$5850.00) plus,
 - a) Fifty four dollars and sixteen cents (\$54.16) for each day in September after September 18, 2013 that the respondents remain in possession of the premises and,
 - b) Fifty two dollars and forty one cents (\$52.41) for each day in October, 2013

that the respondents remain in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of
September, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
TRINA ROGERS AND JIMMY BONNETPLUME, 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:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

-and-

TRINA ROGERS AND JIMMY BONNETPLUME

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 18, 2013

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: Diana Tingmiak, representing the applicant

Date of Decision: September 18, 2013

REASONS FOR DECISION

The respondents were personally served with Notices of Attendance but failed to appear at the hearing. The hearing was held in their absence.

The rental premises consist of an apartment in a 42 unit residential complex. The premises are subsidized public housing.

The applicant and respondents were parties to several term agreements, the most recent one commencing on May 1, 2013 and ending on May 31, 2013. The applicant received several complaints regarding disturbance between September, 2012 and March 2013 and served a notice of termination on the respondents on March 4, 2013. The respondents appealed to the Board of Directors who reinstated the tenancy agreement provided there were no more disturbances. The applicant stated that there was another disturbance involving a fight with another tenant and a broken window on May 30, 2013 and the tenancy agreement was not renewed. The applicant stated that since that time there had been four additional disturbances.

The applicant sought an eviction order and an order requiring the respondents to pay compensation for use and occupation of the rental premises after May 31, 2013.

Section 50(4) of the *Residential Tenancies Act* sets out provisions for termination of a tenancy agreement without notice in subsidized public housing.

50.(4) Notwithstanding subsection (3), where a tenancy agreement for subsidized public housing specifies a date for termination of the agreement that is 31 days or less after the commencement of the agreement, it terminates on the specified date.

I find no evidence that a new tenancy agreement was executed after May 31, 2013 or that the tenancy agreement was reinstated. Therefore the tenancy agreement was terminated on May 31, 2013 and the respondents have been overholding since June 1, 2013.

I find compensation for use and occupation of the rental premises from June 1 to the date of the hearing to be \$5850. The full unsubsidized monthly rent is used as overholding tenants are not entitled to a subsidy. I calculate that amount as follows:

June/13	\$1625
July	1625
August	1625
Sept 1-18	<u>975</u>
Total	\$5850

An order shall issue requiring the respondents to pay the applicant compensation for overholding in the amount of \$5850 plus a per diem charge of \$54.16 for each additional day in September, 2013 and \$52.41 for each additional day in October, 2013 that the respondents remain in possession of the premises.

An eviction order to be effective on September 25, 2013 shall be issued separately.

Hal Logsdon
Rental Officer