

IN THE MATTER between **5655 NWT LTD.**, Applicant, and **BEAU CHRISTENSEN AND JENNA CONRAD**, 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 **YELLOWKNIFE, NT.**

BETWEEN:

**5655 NWT LTD.**

Applicant/Landlord

- and -

**BEAU CHRISTENSEN AND JENNA CONRAD**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears and a penalty for late payment in the amount of sixty three dollars and six cents (\$63.06).
2. 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 tenancy agreement was terminated in the amount of two thousand three hundred forty one dollars and ninety four cents (\$2341.94).
3. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondents shall pay the

applicant additional compensation of \$60/day for use and occupation of the rental premises for each day from November 11 to November 30, 2010 and compensation of \$59.18/day thereafter until they give up possession of the premises or are evicted.

4. Pursuant to section 45(4)(c) of the *Residential Tenancies Act*, the respondents shall pay the applicant costs of electricity which has been paid on their behalf in the amount of five hundred seventy dollars and thirty eight cents (\$570.38).

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of November, 2010.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **5655 NWT LTD.**, Applicant, and **BEAU CHRISTENSEN AND JENNA CONRAD**, 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:

**5655 NWT LTD.**

Applicant/Landlord

-and-

**BEAU CHRISTENSEN AND JENNA CONRAD**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** November 10, 2010

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Lynn Elkin, representing the applicant  
Ted Studer, representing the applicant

**Date of Decision:** November 12, 2010

### **REASONS FOR DECISION**

The respondents were served with a Notice of Attendance sent by registered mail. There was no confirmation of delivery but Ms Conrad was personally notified by telephone of the date, location and time of the hearing. In my opinion, the respondents had adequate opportunity to attend the hearing and it is reasonable to deem the notice served pursuant to section 71(5) of the *Residential Tenancies Act*.

The applicant testified that the respondents had failed to satisfy an order terminating the tenancy agreement on October 1, 2010 unless the respondents established an account for electricity and paid all outstanding charges for the supply of electricity. The applicant testified that additional charges of \$570.38 for electricity had accrued and had been paid by the landlord. The applicant provided a statement in evidence which indicated that no payments of rent or electricity had been made since the previous order was issued. The applicant stated that the respondents remain in possession of the premises and no new tenancy agreement has been formed by the parties.

This tenancy agreement was terminated by order on October 1, 2010. The respondents are overholding. The applicant is entitled for one day in October, 2010 and compensation for use and occupation of the premises from October 2 to November 10, 2010. The applicant is also entitled to compensation for the costs of electricity which has been paid by the landlord on behalf of the tenants. I calculate these amounts as follows:

Rent arrears (October 1 @ \$58.06/day)	\$58.06
Penalty late rent October	5.00
Compensation (October 2-31 @ \$58.06/day)	1741.94
Compensation (Nov 1-10 @ \$60/day)	600.00
Electricity	<u>570.38</u>
Total	\$2975.38

In addition to the amounts outlined above the respondents shall also pay additional compensation of \$60 for each day in November after November 10<sup>th</sup> that they remain in possession and compensation of \$59.18 for each day thereafter.

Penalties for late rent after October 1, 2010 are denied. There is no provision contained in the Act to apply penalties for compensation for lost rent.

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Hal Logsdon  
Rental Officer