

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **HOA PHUOC DO**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

- and -

HOA PHUOC DO

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. 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 one thousand five hundred thirty eight dollars and four cents (\$1538.04).

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of February,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **HOA PHUOC DO**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

HOA PHUOC DO

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 1, 2011

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rosetta Morales, representing the applicant
Hoa Phuoc Do, respondent

Date of Decision: February 2, 2011

REASONS FOR DECISION

The tenancy agreement between the parties was terminated on December 31, 2010 by order. The respondent was ordered to pay the applicant rent arrears of \$2780 on or before December 31, 2010 (file # 10-11783, filed on December 3, 2010) but paid only \$380. The applicant sought an order requiring the respondent to pay the remaining rent arrears, compensation for use and occupation of the premises in January and February, 2011 and an order evicting the respondent from the premises. A statement of account was provided in evidence indicating a balance owing in the amount of \$5129.

The respondent did not dispute the amount but stated that he was unable to pay it until the end of February, 2011. He stated that he had lost his job and had been unable to comply with the previous order. He stated that he has now found employment and will also be able to access some assistance from Income Security.

I find rent arrears of \$2100 calculated as follows:

Balance at December 31, 2010	\$2450
Less \$50 NSF charge previously denied	(50)
Less payment - January 24/11	<u>(300)</u>
Total	\$2100

There is no requirement to order the payment of this amount as the applicant already has a previous order for these arrears.

I find compensation for use and occupation of the rental premises after the termination of the tenancy agreement to be \$1538.04 calculated as follows:

January, 2011	\$1485.00
February 01/11	<u>53.04</u>
Total	\$1538.04

An order shall issue requiring the respondent to pay the applicant compensation for use and occupation of the rental premises after the tenancy was terminated in the amount of \$1538.04.

Hal Logsdon
Rental Officer