

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
STANLEY KOWANA, 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 **INUVIK, NT**.

BETWEEN:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

- and -

STANLEY KOWANA

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 one thousand seven hundred seventy four dollars (\$1774.00).
2. Pursuant to sections 41(4)(c) and 43(3)(d) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as Apartment 308, 8 Centennial Street, Inuvik, NT shall be terminated on March 2, 2011 and the respondent shall vacate the premises on that date.
3. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent shall pay the

applicant compensation for use and occupation of the rental premises in the amount of twenty eight dollars and nine cents (\$28.09) for each day the respondent remains in possession of the rental premises after March 2, 2011.

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of February, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
STANLEY KOWANA, 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:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

-and-

STANLEY KOWANA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 18, 2011

Place of the Hearing: Inuvik, NT via teleconference

Appearances at Hearing: Victoria Boudreau, representing the applicant

Date of Decision: February 18, 2011

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in his absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by repeatedly disturbing other tenants in the residential complex. The applicant sought an order requiring the respondent to pay the alleged rent arrears, terminating the tenancy agreement and evicting the respondent and requiring the respondent to pay compensation for use and occupation for any days he remains in possession after the tenancy agreement is terminated. The premises are subsidized rental housing.

The applicant provided a copy of the tenant ledger which indicated a balance of rent owing in the amount of \$1774. The full unsubsidized rent of \$871 has been applied in January and February, 2011. The applicant testified that the respondent had not provided any income information on which to calculate a subsidized rent for those months.

The applicant also provided a written statement outlining numerous incidents of disturbance from November, 2010 to February, 2011. The statement outlines that the police have attended the premises on several occasions to remove persons from the residential complex. Arrests have been made. Despite written warnings, the disturbances appear to be continuous and unabated.

I find the application of the full unsubsidized rent to be reasonable and find rent arrears of \$1774.

In my opinion, there are sufficient grounds to terminate the tenancy agreement and evict the tenant. The disturbances commenced less than a week after this tenancy agreement commenced and have continued since that time. It would appear that the respondent has little or no intention of complying with his obligations to not disturb his neighbours, report his income or pay rent.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$1774 and terminating the tenancy agreement on March 2, 2011. If the respondent remains in possession after that date, he is ordered to pay compensation of \$28.09/day until he vacates the premises or is evicted. A separate eviction order shall issue.

Hal Logsdon
Rental Officer