

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
PATRICK STEWART, 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 -

PATRICK STEWART

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 two thousand six hundred ninety three dollars and eighty cents (\$2693.80).
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 SY1301, 301-8 Centennial Street, Inuvik, NT shall be terminated on June 24, 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,

- a) Twenty nine dollars and three cents (\$29.03) for each day in June, 2011 that the respondent remains in possession of the rental premises after June 24, 2011 and,
- b) Twenty eight dollars and nine cents (\$28.09) for each day in July, 2011 that the respondent remains in possession of the rental premises.

DATED at the City of Yellowknife, in the Northwest Territories this 10th day of June, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
PATRICK STEWART, 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-

PATRICK STEWART

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: June 9, 2011

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Diana Tingmiak, representing the applicant

Date of Decision: June 9, 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 for use and compensation of the premises should he remain in possession after the termination date. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$2868 representing rent owing to June 30, 2011. The full unsubsidized rent has been applied in April, May and June, 2011. The applicant stated that the respondent has not reported his household income to enable a subsidized rent to be calculated for those months. The ledger indicates that the last payment of rent was made on March 8, 2011.

The applicant outlined five incidents of disturbance between January and March 2011. Most of disturbances were the result of loud music and parties. The police attended the premises on two occasions.

I find the respondent in breach of his obligation to pay rent and his obligation to not disturb other tenants. In my opinion, there are adequate grounds to terminate the tenancy agreement. An order shall issue terminating the tenancy agreement on June 24, 2011. I find rent arrears to that date of \$2693.80 calculated as follows:

Rent arrears as at May 30/11	\$1997.00
Rent, June 1-24	<u>696.80</u>
Total	\$2693.80

The respondent shall be ordered to pay rental arrears of \$2693.80.

Should the respondent fail to vacate the premises on June 24, 2011, he shall be ordered to pay \$29.03 for each additional day in June he remains in possession and \$28.09 for each additional day he remains in possession in July, 2011.

A separate eviction order shall be issued.

Hal Logsdon
Rental Officer