

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
FRANK ELEMIE JR., Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **DELINE, NT.**

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

FRANK ELEMIE JR.

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 six hundred twenty eight dollars (\$628.00).
2. 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 has been terminated in the amount of eight thousand nine hundred ninety three dollars and ninety seven cents (\$8993.97) plus;
 - a) forty three dollars and three cents (\$43.03) for each day in June, 2011 after June 29, 2011 that the respondent remains in possession of the rental premises and,

- b) forty one dollars and sixty five cents (\$41.65) for each day in July and August, 2011 that the respondent remains in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of June,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
FRANK ELEMIE JR., 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

FRANK ELEMIE JR.

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **June 29, 2011**

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

Appearances at Hearing: Phobie Kenny, representing the applicant
Frank Elemie Jr., respondent

Date of Decision: **June 29, 2011**

REASONS FOR DECISION

The respondent did not appear at the hearing but arrived later in the day and was permitted to address the issues raised in the application and was advised of the decision.

The applicant stated that the tenancy agreement was terminated by order on November 30, 2010 when the respondent failed to satisfy that order. The applicant sought an order for rent arrears and compensation for use and occupation of the rental premises after the termination of the tenancy agreement. The premises are subsidized public housing.

The applicant provided a copy of the tenant ledger in evidence indicating a balance owing as at May 31, 2011 in the amount of \$18,131.

An order (file #20-11643, filed on October 20, 2010) required the respondent to pay rent arrears of \$2650 and terminated the tenancy agreement unless the rent arrears were paid by November 30, 2010. The ledger indicates that no payments have been made since May, 2010.

The respondent did not dispute the allegations. It should be noted that a previous order (file #20-11124, filed on December 2, 2009) ordered the respondent to pay arrears in monthly installments of \$300 but that order was rescinded when the respondent failed to make payments in accordance with the order.

I find rent arrears in excess of the previous order in the amount of \$628. These arrears consist of the October, 2010 rent of \$314 and the November, 2010 rent of \$314. I also find compensation for use and occupation to June 29, 2011 to be \$8993.97 calculated as follows:

December/10 to May/11 @ 1291/month	\$7746.00
June 1-29	<u>1247.97</u>
Total	\$8993.97

Per diem compensation for remaining days in June, 2011 is \$43.03 and for July and August, 2011 is \$41.65.

An order shall issue requiring the respondent to pay rent arrears of \$628 and compensation for use and occupation of \$8993.97 plus the above per diem compensation until the respondent gives up possession of the premises.

In my opinion, there are sufficient grounds to evict the respondent. The has had adequate opportunity to address these arrears and has taken no significant steps to pay either the arrears or the monthly rent. An eviction order shall issue separately to be effective on July 15, 2011.

Hal Logsdon
Rental Officer