

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and **ALFRED BETSIDEA AND ESTER SEWI**, Respondents;

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 -

ALFRED BETSIDEA AND ESTER SEWI

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 in the amount of one thousand seven hundred thirty seven dollars (\$1737.00).
2. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondents shall pay the applicant compensation for use and occupation of the rental premises after the tenancy agreement has been terminated in the amount of eleven thousand five hundred twenty two dollars and eighty seven cents (\$11,522.87) plus;
 - a) fifty five dollars and thirteen cents (\$55.13) for each day in June, 2011 after June 29, 2011 that the respondents remain in possession of the rental

premises and,

- b) fifty three dollars and thirty five cents (\$53.35) for each day in July and August, 2011 that the respondents remain 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
ALFRED BETSIDEA AND ESTER SEWI, 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

ALFRED BETSIDEA AND ESTER SEWI

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: June 29, 2011

Place of the Hearing: Deline, NT

Appearances at Hearing: Phebie Kenny, representing the applicant
Alfred Betsidea, respondent
Ester Sewi, respondent

Date of Decision: June 29, 2011

REASONS FOR DECISION

The applicant stated that the tenancy agreement was terminated by order on November 30, 2010 when the respondents 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 \$46,543.53.

An order (file #20-11639, filed on October 21, 2010) required the respondents to pay rent arrears of \$38,174.53 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 June, 2010.

The respondents did not dispute the allegations but stated that they wished to make some arrangement to pay the arrears. It should be noted that a previous order (file #20-11089, filed on December 2, 2009) ordered the respondents to pay arrears in monthly installments of \$50 but that order was rescinded when the respondents failed to make payments in accordance with the order.

I find rent arrears in excess of the previous order in the amount of \$1737. These arrears consist of the October, 2010 rent of \$638 and the November, 2010 rent of \$1099. I also find compensation for use and occupation to June 29, 2011 to be \$11,522.87 calculated as follows:

December/10 to May/11 @1654/month	\$9924.00
June 1-29	<u>1598.87</u>
Total	\$11,522.87

Per diem compensation for remaining days in June, 2011 is \$55.13 and for July and August, 2011 is \$53.35.

An order shall issue requiring the respondents to pay rent arrears of \$1737 and compensation for use and occupation of \$11,522.87 plus the above per diem compensation until the respondents give up possession of the premises.

In my opinion, there are sufficient grounds to evict the respondents. They have had adequate opportunity to address these arrears and have 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