

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
SUSAN NEYELLE AND DERRICK MACKEINZO, 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 -

SUSAN NEYELLE AND DERRICK MACKEINZO

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent Susan Neyelle shall pay the applicant rent arrears in the amount of one thousand eight hundred seventeen dollars (\$1817.00).
2. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondent Susan Neyelle 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 July,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
SUSAN NEYELLE AND DERRICK MACKEINZO, 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-

SUSAN NEYELLE AND DERRICK MACKEINZO

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**

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

REASONS FOR DECISION

The respondents were personally served with Notices of Attendance but failed to appear at the hearing. The hearing was held in their absence.

The tenancy agreement between the parties names only Susan Neyelle as a tenant. Therefore Mr. Mackeinzo is not liable for payment of the rent or compensation for use and occupation.

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 \$18,609.

An order (file #20-11641 filed on October 21, 2010) required the respondents to pay rent arrears of \$7000 and terminated the tenancy agreement unless the rent arrears were paid by November 30, 2010. The ledger indicates payments of \$250 have been made since the order was issued. Therefore there is an unsatisfied portion of the previous order of \$6750.

It should be noted that a previous order (file #20-11122, filed on December 4, 2009) ordered the

respondent to pay arrears in monthly installments 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 \$1817. These arrears consist of the October, 2010 rent of \$894 and the November, 2010 rent of \$923. I also find compensation for use and occupation to June 29, 2011 to be \$11,522 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 respondent Susan Neyelle to pay rent arrears of \$1817 and compensation for use and occupation of \$11,522.87 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. She has had adequate opportunity to address these arrears and has taken little action to pay either the arrears or the monthly rent. An eviction order shall issue separately to be effective on August 1, 2011.

Hal Logsdon
Rental Officer