

IN THE MATTER between **BEHCHOKO KO GHA K'AODEE**, Applicant, and
DOREEN WEDAWIN AND BARRY FRANKLIN, Respondents;

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 **BEHCHOKO, NT.**

BETWEEN:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

- and -

DOREEN WEDAWIN AND BARRY FRANKLIN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. 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 was terminated in the amount of fifty six thousand nine hundred seventy seven dollars and ninety cents (\$56,977.90) plus,
 - a) Fifty five dollars and thirteen cents (\$55.13) for every day in September after September 20, 2011 that the respondents remain in possession of the rental premises, and
 - b) Fifty three dollars and thirty five cents (\$53.35) for every day in October,

2011 that the respondents remain in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 21st day of
September, 2011.

Hal Logsdon
Rental Officer

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DOREEN WEDAWIN AND BARRY FRANKLIN, 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:

BEHCHOKO KO GHA K'AODEE

Applicant/Landlord

-and-

DOREEN WEDAWIN AND BARRY FRANKLIN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: September 20, 2011

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Mike Keohane, representing the applicant
Beatrice Lafferty, representing the applicant
Jacynthia Rabesca, representing the applicant

Date of Decision: September 21, 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 was terminated by order on August 15, 2008 (file #10-10045, filed on July 16, 2008). The applicant stated that the parties had not entered into another tenancy agreement but that respondents have not vacated the premises as ordered. The applicant sought an order for rent arrears and repair costs and an order evicting the respondents.

The respondent provided a copy of the tenant rent ledger indicating a balance of rent owing in the amount of \$103,772.11 and a copy of a repair ledger in evidence indicating a balance of \$4096.12.

All of the repair costs and some of the rent shown on the ledgers accrued during a tenancy agreement that was terminated by order on June 30, 2004. Those arrears and the repair costs shall not be considered as they accrued during a tenancy agreement that was terminated well over seven years ago and were not considered in the last order. In my opinion, it is reasonable to consider rent arrears and compensation for use and occupation that accrued from the commencement of the last tenancy agreement, April 1, 2006 to present.

Since the last order was issued, the payments made by the respondents, totalling \$44,078.77 are sufficient to satisfy both the July 16, 2008 order and the rent arrears that accrued from that date to August 15, 2008 when the tenancy agreement was terminated.

Previous order	\$35,128.00
Rent Aug 1-15/08	835.50
NSF cheques	3,492.00
Less payments	<u>(44,078.77)</u>
Credit	(4,623.27)

I find compensation for use and occupation of the premises from August 16, 2008 to September 20, 2011 to be \$61,601.17 calculated as follows:

August 16-31/08	\$835.50
Sept-Dec/08 (4 months @ \$1671)	6,684.00
Jan-Mar/09 (3 months @ \$1671)	5,013.00
April-Dec/09 (9 months @ \$1654)	14,886.00
Jan-Dec/10 (12 months @ \$1654)	19,848.00
Jan- Aug/11 (8 months @ \$1654)	13,232.00
September 1-20, 2011	<u>1,102.67</u>
Total	\$61,601.17

Applying the credit to the compensation for use and occupation I find an amount owing to the applicant of \$56,977.90.

Total compensation	\$61,601.17
Credit	<u>(4,623.27)</u>
Amount owing applicant	\$56,977.90

An order shall issue requiring the respondents to pay compensation for use and occupation of the rental premises in the amount of \$56,977.90 plus an additional \$55.13 for each additional day in September after September 20, 2011 they remain in possession and an additional \$53.35 for each day they remain in possession in October, 2011. An eviction order to be effective on October 31, 2011 shall be issued separately.

Hal Logsdon
Rental Officer