

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and  
**MARGARET FIRTH AND CHARLENE FIRTH**, 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 **INUVIK, NT.**

BETWEEN:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

- and -

**MARGARET FIRTH AND CHARLENE FIRTH**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondents shall pay the applicant compensation for use and occupation of the premises after the termination of the tenancy agreement in the amount of one thousand six hundred thirty three dollars and eighty four cents (\$1633.84) plus,
  - a) thirty two dollars and sixty eight cents (\$32.68) for each day after October 19, 2011 that the respondents continue to occupy the premises in October, 2011 and,
  - b) thirty three dollars and seventy six cents (\$33.76) of each day in November, 2011 that the respondents continue to occupy the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of October, 2011.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and  
**MARGARET FIRTH AND CHARLENE FIRTH**, 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:

**INUVIK HOUSING AUTHORITY**

Applicant/Landlord

-and-

**MARGARET FIRTH AND CHARLENE FIRTH**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 19, 2011**

**Place of the Hearing:**                      **Inuvik, NT via teleconference**

**Appearances at Hearing:**                      **Diana Tingmiak, representing the applicant**  
   **Margaret Firth, respondent**  
   **Charlene Firth, respondent**

**Date of Decision:**                      **October 20, 2011**

### **REASONS FOR DECISION**

The premises are subsidized public housing. The parties entered into a term tenancy agreement commencing on August 1, 2011 and ending on August 31, 2011. The applicant stated that they refused to enter into a new tenancy agreement and the respondents failed to give up possession. The applicant sought an eviction order and an order requiring the respondents to pay compensation for use and occupation of the premises from September 1, 2011 to date. The full unsubsidized rent for the premises is \$1013/month.

Sections 51(3) and 51(4) of the *Residential Tenancies Act* set out termination of term tenancy agreements in subsidized public housing.

**51.(3) Where a tenancy agreement for subsidized public housing specifies a date for termination of the agreement, the landlord may terminate the tenancy on the date specified in the agreement by giving the tenant a notice of termination not later than 30 days before that date.**

**(4) Notwithstanding subsection (3), where a tenancy agreement for subsidized public housing specifies a date for termination of the agreement that is 31 days or less after the commencement of the agreement, it terminates on the specified date.**

Therefore this tenancy agreement was terminated in accordance with the Act on August 31, 2011 and the applicant is entitled to compensation for use and occupation of the premises after that date at the full unsubsidized rent. I find that compensation to be \$1633.84 to October 19, 2011 calculated as follows:

September/11 compensation	\$1013.00
October 1-19 compensation	<u>620.84</u>
Total to date	\$1633.84

In addition to the above compensation the respondents are ordered to pay a per diem rate of \$32.68 for any remaining days in October, 2011 and \$33.76 for any days in November, 2011 that they remain in possession.

An eviction order to be effective on November 30, 2011 shall also be issued separately.

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Hal Logsdon  
Rental Officer