

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **KIM KAMEEMALIK**, Respondent;

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 **YELLOWKNIFE, NT.**

BETWEEN:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

- and -

**KIM KAMEEMALIK**

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 one thousand six hundred forty eight dollars (\$1648.00).
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 was terminated in the amount of four thousand nine hundred forty four dollars (\$4944.00).

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of March,  
2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **KIM KAMEEMALIK**, 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:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

-and-

**KIM KAMEEMALIK**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** February 28, 2012

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

**Appearances at Hearing:** Ella Newhook, representing the applicant  
Kim Kameemalik, respondent

**Date of Decision:** February 28, 2012

**REASONS FOR DECISION**

The applicant alleged that the tenancy agreement had been terminated by order on November 30, 2011 when the respondent failed to pay the ordered amount of rent arrears. The applicant stated that the respondent was still in possession of the rental premises. The applicant sought an eviction order and an order requiring the respondent to pay rent arrears and compensation for use and occupation of the rental premises after the tenancy agreement had been terminated. The premises are subsidized public housing.

An order (file #10-12543) was issued on November 9, 2011 requiring the respondent to pay rent arrears of \$10,446.92 and terminating the tenancy agreement on November 30, 2011 unless at least \$2596 of those arrears were paid. The applicant provided a statement of account in evidence which indicated that since that order was issued, only \$1392 had been applied to the account through the respondent's payments and electrical credits. The statement indicates a total amount owing of \$15,646.92.

The full unsubsidized rent of \$1648 has been applied in November, 2011. The applicant testified that the respondent failed to provide any income information to enable the calculation of a subsidized rent for that month. The applicant stated that \$1648 was also applied in December, 2011 and January and February, 2012 as the respondent was overholding.

The respondent did not dispute the allegations and stated that she had counted on her 2010

income tax refund to pay the rent arrears. She stated that she had encountered problems with her return which necessitated the re-filing of the return.

The statement clearly indicates that the respondent failed to pay the ordered amount, effectively terminating the tenancy agreement on November 30, 2011. I find the application of the full unsubsidized rent in November, 2011 to be reasonable. The tenant has remained in possession. Therefore the application of \$1648/month as compensation for use and occupation is reasonable for the months of December, 2011 and February and March, 2012.

Since the previous order was issued, \$1392 was paid or credited to the account, bringing the unsatisfied balance of the previous order to \$9054.92, calculated as follows:

|                     |                 |
|---------------------|-----------------|
| Previous order      | \$10,446.92     |
| Payment             | (400.00)        |
| Electricity credits | <u>(992.00)</u> |
| Unsatisfied balance | \$9,054.92      |

The remaining balance of this order may still be enforced.

An order shall issue requiring the respondent to pay the November, 2011 rent of \$1648 which is not included in the previous order and requiring the respondent to pay compensation for use and occupation for December, 2011 and January and February, 2012 in the amount of \$4944 calculated as follows:

|                |             |
|----------------|-------------|
| December, 2011 | \$1648      |
| January, 2012  | 1648        |
| February, 2012 | <u>1648</u> |
| Total          | \$4944      |

An eviction order to be effective on March 15, 2012 shall be issued separately.

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Hal Logsdon  
Rental Officer