

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARY CHARLES**, 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 -

MARY CHARLES

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 seven thousand four hundred forty three dollars (\$7443.00).
3. 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 termination of the tenancy agreement in the amount of nine hundred forty five dollars and sixty eight cents (\$945.68).

DATED at the City of Yellowknife, in the Northwest Territories this 23rd day of March,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **MARY CHARLES**, 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-

MARY CHARLES

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 21, 2012

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant
Mary Charles, respondent (by telephone)

Date of Decision: March 21, 2012

REASONS FOR DECISION

The applicant served a notice of termination on the respondent on January 24, 2012 terminating the tenancy agreement on February 29, 2012 for non-payment of rent and failure to regularly report the household income. The premises are subsidized public housing. The applicant stated that the respondent was still in possession of the rental premises and sought an eviction order. The applicant also alleged that there were rent arrears owing and sought an order requiring the respondent to pay the alleged rent arrears.

I find the termination notice in order and in accordance with sections 51(5) and 55(3) of the *Residential Tenancies Act*. Therefore the tenancy agreement between the parties was lawfully terminated on February 29, 2012 and the respondent is now overholding.

The applicant provided a statement of account in evidence which indicated a balance owing of \$8839. The full unsubsidized rent of \$1396 was charged in October, November and December, 2011 and in January, February and March, 2012. The applicant stated that the respondent had failed to provide any income information on which to calculate a subsidized rent for those months and was not eligible for a subsidy in March, 2012 since she was overholding.

The respondent did not dispute the allegations but stated that she did not have the recent income information available to her. She acknowledged that she had failed to report the information that she had.

I find the application of the full unsubsidized rent to be reasonable and find rent arrears as at February 29, 2012 to be \$7443 as per the ledger.

The respondent has remained in the rental premises in March, 2012. The applicant is therefore entitled to receive compensation for the use and occupation of the rental premises for the 21 days the respondent has continued to occupy the premises. I calculate that amount to be \$945.68 as follows:

$$(\$1396 \times 21)/31 = \$945.68$$

An eviction order to be effective on April 13, 2012 shall be issued separately.

Hal Logsdon
Rental Officer