

IN THE MATTER between **HAY RIVER MOBILE HOME PARK LTD.**, Applicant,
and **ALLAN BROWNING**, 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 **HAY RIVER, NT.**

BETWEEN:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

- and -

ALLAN BROWNING

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 hundred twenty five dollars and eighty one cents (\$125.81).
2. Pursuant to section 63(4)(b) 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 amounts of:
 - a) nine hundred fourteen dollars and nineteen cents (\$914.19) and,
 - b) eight dollars and thirty nine cents (\$8.39) for each day the respondent

remains in possession of the premises in July, 2012.

DATED at the City of Yellowknife, in the Northwest Territories this 27th day of June,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **HAY RIVER MOBILE HOME PARK LTD.**, Applicant,
and **ALLAN BROWNING**, 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:

HAY RIVER MOBILE HOME PARK LTD.

Applicant/Landlord

-and-

ALLAN BROWNING

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **June 27, 2012**

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

Appearances at Hearing: **Michelle Schaub, representing the applicant**
 Allan Browning, respondent

Date of Decision: **June 27, 2012**

REASONS FOR DECISION

The applicant alleged that the respondent had failed to comply with a previously issued order, effectively terminating the tenancy agreement on March 15, 2012. The applicant testified that the respondent was still in possession of the premises and sought an order evicting the respondent.

The premises consist of a lot in a mobile home park.

A previous order (file #10-12614, filed on February 10, 2012) ordered the payment of rent arrears of \$2260 and terminated the tenancy agreement on March 15, 2012 unless the arrears and the March, 2012 rent totalling \$2520 were paid in full. The applicant provided a statement of the rent account in evidence. The statement indicates that the balance owing as at March 15, 2012 was \$1980 and indicates a balance as at May 15, 2012 of \$2240. The applicant testified that since May 15, 2012, the June 2012 rent of \$260 had come due and a payment of \$260 had been made, leaving the balance owing unchanged at \$2240.

The respondent stated that he knew that he owed something. He offered no evidence to dispute the alleged balance. The respondent stated that he had been unemployed but was now working and was confident that some arrangement could be made to pay the rent arrears. The applicant stated that several arrangements to retire the debt had been agreed upon but all had been breached. She stated that she was not confident that the respondent would honour any future arrangement for payment of the arrears.

I find that the tenancy agreement between the parties was terminated by order on March 15, 2012 when the respondent failed to satisfy the order to pay \$2520 on or before that date. The respondent is overholding.

Applying payments to the oldest debt, I find the unsatisfied balance of the previous order to be \$1200 calculated as follows:

Previous order	\$2260
Payments since order	<u>(1060)</u>
Unsatisfied balance	\$1200

The unsatisfied balance of the order may still be enforced.

I find rent arrears that have accrued since the issuance of the previous order (March 1-15) to be $15/31 \times \$260 = \125.81 .

I find the respondent responsible to pay compensation for use and occupation of the rental premises after March 15, 2012 to be as follows:

March 16-31	\$134.19
April	260.00
May	260.00
June	<u>260.00</u>
Total	\$914.19

plus \$8.39/day for each day in July, 2012 that the respondent remains in possession of the premises.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of

\$125.81 and compensation for use and occupation of the premises after March 15, 2012 of \$914.19 plus \$8.39 for each day in July, 2012 that the respondent remains in possession.

An eviction order to be effective on July 10, 2012 shall be issued separately.

Hal Logsdon
Rental Officer