

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
BOBBY ROSS AND LORI ANN KUNNIZZI, 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 -

BOBBY ROSS AND LORI ANN KUNNIZZI

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 rental premises as follows:
 - a) For the period August 1, 2012 to October 30, 2012 the amount of four thousand eight hundred thirty two dollars and twenty cents (\$4832.20) and
 - b) for each day in October, 2012 after October 30, 2012 that the respondents remain in possession the amount of forty two dollars and eighty cents (\$42.80) and
 - c) for each day in November, 2012 that the respondents remain in possession, the amount of fifty four dollars and sixteen cents (\$54.16).

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

Hal Logsdon
Rental Officer

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
BOBBY ROSS AND LORI ANN KUNNIZZI, 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-

BOBBY ROSS AND LORI ANN KUNNIZZI

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: **October 30, 2012**

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

Appearances at Hearing: **Diana Tingmiak, representing the applicant**

Date of Decision: **November 1, 2012**

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 premises are subsidized public housing. The parties entered into a term tenancy agreement commencing on July 1, 2012 and ending on July 31, 2012. No new tenancy agreement was formed after July 31, 2012.

The applicant sought an eviction order and an order requiring the respondents to pay compensation for use and occupation of the rental premises after July 31, 2012 at the unsubsidized rental rate of \$1625/month.

Section 51(4) of the *Residential Tenancies Act* sets out the following provision for termination of a tenancy agreement for public housing made for a term of 31 days or less:

- 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.**

The Act does not require a reason or a notice pursuant to section 51(4).

I find that the tenancy was terminated on July 31, 2012 in accordance with the provisions of section 51(4) of the Act. The respondents have been overholding since that date.

An order shall issue requiring the respondents to pay compensation for use and occupation of the premises after July 31, 2012 as follows:

- a) For the period August 1 - October 30, 2012

August 1 - September 30, 2012 @ \$1625/month =	\$3250.00
October 1-30 @ \$1625/month =	<u>1582.20</u>
	\$4832.20

- b) For each day in October, 2012 after October 30 that the respondents remain in possession of the premises - \$42.80
- c) For each day in November, 2012 that the respondents remain in possession of the premises - \$54.16

An eviction order shall be issued separately.

Hal Logsdon
Rental Officer