

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and
JUDITH GALE, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **FORT SMITH, NT.**

BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

- and -

JUDITH GALE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent shall pay the applicant compensation for the use and occupation of the premises after the termination of the tenancy agreement in the amount of seven thousand four hundred thirteen dollars and twenty one cents (\$7413.21).

DATED at the City of Yellowknife, in the Northwest Territories this 12th day of
February, 2013.

Hal Logsdon
Rental Officer

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JUDITH GALE, 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:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

-and-

JUDITH GALE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: February 6, 2013

Place of the Hearing: Fort Smith, NT

Appearances at Hearing: Kevin Mageean, representing the applicant
Kim Olson, representing the applicant

Date of Decision: February 11, 2013

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail and confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in her absence.

This tenancy agreement was terminated on August 31, 2012 by the landlord's written notice for non-payment of rent and failure to report the household income. The applicant stated that the respondent was still in possession of the premises and sought an order requiring the respondent to pay compensation for use and possession since the date the tenancy was terminated and an eviction order.

The applicant provided a statement of account in evidence which indicated a balance of \$8690. The balance includes compensation for use and possession of the premises for the entire month of February, 2013.

Compensation for use and occupation is calculated on a per diem basis for days the tenant remains in possession after the tenancy agreement is terminated. I calculate that amount to be \$7413.21 calculated as follows:

Balance as per statement - August 31/12	\$192.00
Charge for lawn maintenance	28.00
Payments since August 31/12	<u>(1280.00)</u>
Credit on rent account	(\$1060.00)

Compensation for use & occupation:	
September/12 - January/13 @ \$1625/month	\$8125.00
February 1-6 @ \$1625/month	348.21
Less credit on rent account	<u>(1060.00)</u>
Total owing applicant	\$7413.21

An order shall issue requiring the respondent to pay the applicant compensation for use and occupation of the rental premises after the termination of the tenancy agreement in the amount of \$7413.21.

An eviction order shall be issued separately.

Hal Logsdon
Rental Officer