

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **BOBBY BLAKE**, 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 **FORT MCPHERSON, NT**.

BETWEEN:

FORT MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

- and -

BOBBY BLAKE

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 two hundred ten dollars (\$210.00).
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 amount of,
 - a) two thousand seven hundred fifty dollars and sixteen cents (\$2750.16) plus,
 - b) forty six dollars and sixty one cents (\$46.61) for each day in March after March 28, 2013 that the respondent continues to occupy the rental premises and,

- c) forty eight dollars and sixteen cents (\$48.16) for each day in April, 2013 that the respondent continues to occupy the rental premises.

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of April,
2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **BOBBY BLAKE**, 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 MCPHERSON HOUSING ASSOCIATION

Applicant/Landlord

-and-

BOBBY BLAKE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 28, 2013

Place of the Hearing: Fort McPherson, NT via teleconference

Appearances at Hearing: Shirley Wilson, representing the applicant
Bobby Blake, respondent

Date of Decision: March 28, 2013

REASONS FOR DECISION

The applicant alleged that the respondent had failed to comply with an order to pay rent arrears resulting in the termination of the tenancy agreement on January 31, 2013. The applicant stated that the respondent was still in possession of the premises and sought an eviction order and an order requiring the respondent to pay compensation for use and occupation of the premises after the termination date. The premises are subsidized public housing.

A previous order (file #20-13162, filed on December 6, 2012) terminated the tenancy agreement between the parties on January 31, 2013 unless rent arrears of \$4266 were paid in full. The applicant provided a copy of the tenant ledger in evidence which indicated that since the order was issued a subsidy credit of \$890 and a payment of \$500 leaving an unsatisfied balance of \$2876.

Since the previous order was issued, the December, 2012 rent of \$140 and the January, 2013 rent of \$70 has come due.

The respondent stated that he thought he had made some other payments since the order was issued but could not find any receipts to verify this. He did not recall the date that these payments may have been made. The applicant noted that the "one write" ledger system was in use and any receipt issued also copied the transaction on the ledger card.

I find that the respondent breached the previous order by failing to pay the ordered amount, terminating the tenancy agreement on January 31, 2013. I find no evidence that the tenancy agreement was reinstated or that the parties entered into another tenancy agreement. Therefore the respondent is overholding.

In addition to the unsatisfied balance of \$2876, I find rent arrears which have accrued since the previous order was issued to be \$210.

December/12 rent	\$140
January/13 rent	<u>70</u>
Total	\$210

I find compensation for use and occupation to the date of the hearing to be \$2750.16.

February/13	\$1445.00
March 1-28	<u>1305.16</u>
Total	\$2750.16

An order shall issue requiring the respondent to pay the applicant rent arrears of \$210 and compensation for use and occupation of \$2750.16 plus \$46.61 for each day in March after March 28, 2013 and \$48.16 for each day in April, 2013 that the respondent remains in possession of the premises.

An eviction order to be effective on April 15, 2013 shall be issued separately.

Hal Logsdon
Rental Officer