

IN THE MATTER between **INUVIK HOUSING AUTHORITY**, Applicant, and
MERLYN MCLEOD, 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 **INUVIK, NT.**

BETWEEN:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

- and -

MERLYN MCLEOD

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 eighty dollars (\$80.00).
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 four thousand four hundred eighty dollars and nineteen cents (\$4480.19) plus,
 - a) an additional \$41.871 for each day in May, 2013 after May 14, 2013 that the respondent remains in possession of the premises plus,
 - b) an additional \$43.266 for each day the respondent remains in possession of the

premises in June, 2013.

DATED at the City of Yellowknife, in the Northwest Territories this 16th day of May,
2013.

Hal Logsdon
Rental Officer

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MERLYN MCLEOD, 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:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

-and-

MERLYN MCLEOD

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: May 14, 2013

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Diana Tingmiak, representing the applicant

Date of Decision: May 14, 2013

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in her absence.

The tenancy agreement between the parties was made for a one month term expiring on January 31, 2013. The applicant stated that the tenancy agreement has not been renewed and that the respondent has remained in possession of the premises. The applicant sought an order evicting the respondent and ordering her to pay compensation for use and occupation of the premises from February 1, 2013 to present. The applicant also alleged that the respondent had failed to pay the full amount of the assessed rent and sought an order requiring the respondent to pay the alleged rent arrears. The premises are subsidized public housing.

Sections 51(3) and 51(4) of the *Residential Tenancies Act* set out provisions for a public housing landlord to terminate a term tenancy agreement by notice.

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.

51(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 applicant stated that the tenancy agreement was not renewed due to repeated disturbances and provided several notices in evidence outlining the disturbances.

I find that the tenancy agreement was terminated in accordance with the Act on January 31, 2013 and the respondent has been overholding since that date. The tenancy agreement sets out the full unsubsidized rent of \$1298 in Schedule A of the tenancy agreement. I find no evidence of any notice of increase to that amount. An overholding tenant is not entitled to a subsidized rent. I find reasonable compensation for use and occupation of the premises from February 1, 2013 to the date of the hearing to be \$4480.19 calculated as follows:

February, 2013	\$1298.00
March, 2013	1298.00
April, 2013	1298.00
May 1-14 @ \$41.871/day	<u>586.19</u>
Total	\$4480.19

The tenant ledger, provided in evidence, indicates a balance of rent arrears as at January 31, 2013 of \$80.

An order shall issue requiring the respondent to pay the applicant compensation for use and occupation of the premises in the amount of \$4480.19 plus \$41.871 for each day in May after May 14, 2013 that the respondent continues to occupy the premises and \$43.266 for every day in June, 2013 that the respondent remains in possession. The order shall also require the respondent to pay the applicant rent arrears of \$80.

An eviction order to be effective on May 28, 2013 shall be issued separately.

Hal Logsdon
Rental Officer