

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **SAMUEL BISCAYE**, 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 RESOLUTION, NT**.

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

SAMUEL BISCAYE

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 rent arrears in the amount of seventy dollars (\$70.00).
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) seven thousand seven hundred twenty five dollars (\$7725.00) plus,
 - b) \$51.50 for each day in June after June 26, 2013 that the respondent remains in possession of the premises plus,

c) \$49.839 for each day in July, 2013 that the respondent remains in possession of the premises.

DATED at the City of Yellowknife, in the Northwest Territories this 27th day of June, 2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **SAMUEL BISCAYE**, 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 RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

-and-

SAMUEL BISCAYE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **June 26, 2013**

Place of the Hearing: **Fort Resolution, NT via teleconference**

Appearances at Hearing: **Abhisek Dahr, representing the applicant**

Date of Decision: **June 26, 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 his absence.

The tenancy agreement between the parties was made for a term of three months ending on December 31, 2012. The premises are subsidized public housing. The applicant served a notice of termination on the respondent dated November 20, 2012 terminating the tenancy agreement on December 31, 2012 for disturbing other tenants. The applicant stated that the respondent remains in possession of the premises. The applicant also alleged that the respondent had failed to pay the full amount of rent.

The applicant sought an order requiring the respondent to pay the alleged rent arrears and compensation for use and occupation of the rental premises from January 1, 2013 to present and an eviction order.

The applicant provided a statement of account which indicated a balance of rent owing of \$150 as at December 31, 2012. The applicant stated that since that date the applicant had made one rent payment of \$80 on May 31, 2013 bringing the balance owing to \$70.

The full unsubsidized rent for the premises is set out on schedule A of the tenancy agreement as \$1545/month.

The applicant provided a notice and two written complaints outlining disturbances of other tenants which led to the landlord's notice of termination. A previous order (file #10-12672, filed on March 28, 2012) found the respondent in breach of his obligation to not disturb other tenants and ordered him to comply with that obligation and to not create any disturbances in the future.

I find the applicant's notice of termination to be in accordance with sections 51(3) and 55(3) of the *Residential Tenancies Act*. Therefore the tenancy agreement was terminated in accordance with the Act and the respondent has been overholding from January 1, 2013 to present. As an overholding tenant, he is not entitled to a subsidized rent and the Schedule A rent is appropriate as compensation for use and occupation of the premises.

I find rent arrears of \$70. I find compensation for use and occupation of the premises to the date of the hearing of \$9064 calculated as follows:

January 1 - May 31 @ \$1545/month	\$7725.00
June 1-26 @ \$51.50/day	<u>1339.00</u>
Total	\$9064.00

An order shall issue requiring the respondent to pay rent arrears of \$70 and compensation for use and occupation of \$9064 plus \$51.50 for each day in June after June 26, 2013 that the respondent remains in possession of the premises plus \$49.839 for each day in July, 2013 that the respondent remains in possession of the premises.

An eviction order to be effective forthwith shall be issued separately.

Hal Logsdon
Rental Officer