

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **DEBORAH KENDI**, 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 -

DEBORAH KENDI

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 use and occupation of the rental premises after the termination of the tenancy agreement in the amount of seven hundred twenty two dollars and eighty eight cents (\$722.88) plus,
 - a) the sum of forty six dollars and sixty one cents (\$46.61) for each day in August after August 8, 2013 that the respondent remains in possession of the premises and,
 - b) the sum of forty eight dollars and seventeen cents (\$48.17) for each day in September, 2013 that the respondent remains in possession.

DATED at the City of Yellowknife, in the Northwest Territories this 8th day of August,
2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT MCPHERSON HOUSING ASSOCIATION**,
Applicant, and **DEBORAH KENDI**, 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-

DEBORAH KENDI

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 8, 2013

Place of the Hearing: Fort McPherson, NT via teleconference

Appearances at Hearing: Shirley Wilson, representing the applicant
Deborah Kendi, respondent
Tommy Blake, witness for the respondent

Date of Decision: August 8, 2013

REASONS FOR DECISION

The tenancy agreement between the parties was terminated by order on February 28, 2013 when the respondent failed to pay ordered rent arrears of \$744.98 (file #20-13237 filed on February 12, 2013). The respondent has been overholding since that date. The applicant sought an order requiring the respondent to pay compensation for use and occupation of the rental premises since February 28, 2013 and repair costs for a damaged door. The applicant also sought an eviction order. The premises are subsidized public housing.

The previous order has only been partially satisfied. The respondent paid only \$370 since that order was issued, leaving an unsatisfied balance of \$374.98. That order may still be used to satisfy the remaining rent arrears.

Although the applicant was entitled to charge the full unsubsidized Schedule A value of \$1445 from March 1, 2013 to present as compensation for use and occupation, they have continued to apply a monthly subsidy of \$1413 for March, April, May, June and July, reducing the amount owing to \$350.

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|-----------------------|-------------------------------|
| Schedule A rent value | \$1445 |
| less monthly subsidy | <u>(1375)</u> |
| Total | \$70/month x 5 months = \$350 |

No charge has been applied for August yet. Applying the Schedule A value on a per diem basis for the eight days in August, 2013 that the respondent has remained in possession, I find compensation for use and occupation from March 1 to August 8, 2013 to be \$722.88.

| | |
|--|---------------|
| Compensation from March 1 - July 31, 2013 | \$350.00 |
| Compensation from August 1-8, 2013 @ \$46.61/day | <u>372.88</u> |
| Total, March 1 - August 8, 2013 | \$722.88 |

Should the respondent continue to occupy the premises in September, she shall pay the applicant an additional \$48.17/day.

Should the tenancy agreement be reinstated, the applicant shall adjust the amounts due for August and September in accordance with the household income and the approved rent scale.

The respondent disputed the repair costs for the alleged door damage. She stated that her door was kicked in by unknown persons when she was not at home. She stated that the second door repair was for the same door and was necessary because the first repair was unsatisfactory. Neither of these repairs appear to have been made necessary due to the negligence of the respondent. Therefore, the relief requested of \$107.63 is denied.

An order shall issue requiring the respondent to pay the applicant compensation for use and occupation of the rental premises from March 1 to August 8, 2013 of \$722.88 plus per diem amounts for each day afterward that the respondent remains in possession of the premises.

An eviction order to be effective on August 31, 2013 shall be issued separately.

Hal Logsdon
Rental Officer