

IN THE MATTER between **Satdeo Inc.**, Applicant, and **Richard Winter**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises located within the **town of Hay River in the Northwest Territories**.

BETWEEN:

SATDEO INC.

Applicant/Landlord

- and -

RICHARD WINTER

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondent must compensate the applicant for use and occupation of the rental premises in the amount of \$4,000.00 (four thousand dollars).
2. Pursuant to section 63(4)(b) of the *Residential Tenancies Act*, the respondent must compensate the applicant for use and occupation of the rental premises at a rate of \$32.88 for each day the respondent remains in the rental premises after May 31, 2015.

DATED at the City of Yellowknife in the Northwest Territories this 19th day of May 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Satdeo Inc.**, Applicant, and **Richard Winter**, 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 **Adelle Guigon**, Deputy Rental Officer,

BETWEEN:

SATDEO INC.

Applicant/Landlord

-and-

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REASONS FOR DECISION

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| <u>Date of the Hearing:</u> | May 19, 2015 |
| <u>Place of the Hearing:</u> | Yellowknife, Northwest Territories, by teleconference |
| <u>Appearances at Hearing:</u> | Blaine Maillet, representing the applicant |
| <u>Date of Decision:</u> | May 19, 2015 |

REASONS FOR DECISION

An application to a rental officer made by Satdeo Inc. as the applicant/landlord against Richard Winter as the respondent/tenant was filed by the Rental Office March 23, 2015. The application was made regarding a residential tenancy agreement for the rental premises known as #705, 3 Capital Drive, in Hay River, Northwest Territories. The applicant personally served a copy of the filed application on the respondent April 14, 2015.

The applicant alleged the respondent had failed to vacate the rental premises in accordance with rental officer order #10-14426 and sought an eviction order. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for May 19, 2015, by teleconference. Mr. Blaine Maillet appeared representing the applicant. Mr. Richard Winter was sent a notice of attendance by registered mail deemed served May 4, 2015, pursuant to section 71(5) of the *Residential Tenancies Act* (the Act). Mr. Winter did not appear at hearing nor did anyone appear on his behalf. The hearing proceeded in his absence pursuant to section 80(2) of the Act.

Rental officer order #10-14426 dated January 23, 2015, required Mr. Winter to pay rental arrears in the amount of \$4,500 representing rent up to and including January 2015. The order also terminated Mr. Winter's tenancy on February 28, 2015, and required him to vacate the rental premises on or before that date.

Mr. Maillet testified that Mr. Winter has neither made any payments against his rental arrears nor paid any rent for February to May 2015 inclusive. Mr. Winter currently remains in overholding occupancy of the rental premises. Mr. Maillet reiterated the applicant's request to evict Mr. Winter from the rental premises.

I am satisfied that Mr. Winter has not vacated the rental premises in accordance with rental officer order #10-14426 and as such is an overholding tenant. The monthly rent has been previously established at \$1,000 and pursuant to section 67 of the Act Mr. Winter is liable to compensate the landlord for use and occupation of the rental premises after the tenancy has been terminated. I am satisfied that Mr. Winter has made no payments against either his rental arrears or rent for February to May 2015 and find Mr. Winter has overholding rental arrears in the amount of \$4,000.

As Mr. Winter remains in occupancy of the rental premises after his tenancy was terminated, I find an order evicting him from the rental premises is justified.

An order will issue requiring Mr. Richard Winter to pay compensation for overholding rent in the amount of \$4,000, evicting him from the rental premises on June 1, 2015, and to pay compensation for use and occupation of the rental premises at a rate of \$32.88 for each day he remains in the rental premises after May 31, 2015. The eviction order will follow under separate cover.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Rental officer order #10-14426 dated January 23, 2015