

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
STEVEN NITAH, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") as amended;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **LUTSELK'E NT**.

BETWEEN:

NWT HOUSING CORPORATION

Applicant/Landlord

- and -

STEVEN NITAH

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 one thousand seven hundred thirty five dollars (\$1735.00).
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 tenancy

agreement was terminated in the amount of five thousand one hundred twenty dollars (\$5120.00).

DATED at the City of Yellowknife, in the Northwest Territories this 22nd day of October, 2015.

Hal Logsdon
Rental Officer

IN THE MATTER between **NWT HOUSING CORPORATION**, Applicant, and
STEVEN NITAH, 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:

NWT HOUSING CORPORATION

Applicant/Landlord

-and-

STEVEN NITAH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 9, 2015

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Andy Tereposky, representing the applicant
Michael Keohane, representing the applicant
Steven Nitah, respondent

Date of Decision: September 9, 2015

REASONS FOR DECISION

The tenancy agreement between the parties was terminated by order (file #10-14376) on May 30, 2015 when the respondent failed to pay the ordered rent arrears of \$10,880 by that date. The respondent has continued to occupy the premises and the applicant filed an application on June 2, 2015 seeking rent arrears and an eviction order.

The applicant provided a statement of account in evidence which indicated a balance owing as at September 1, 2015 of \$6855. The applicant stated that they had filed the previous order and obtained a garnishee order for \$10,880 but that the respondent had paid \$12,985 on August 26, 2015 and the respondent cancelled the garnishment. The applicant testified that they had not entered into a new tenancy agreement or reinstated the tenancy.

The applicant stated that the respondent had given written notice of their intention to vacate the premises on September 30, 2015.

The respondent did not dispute the allegations.

I find that this tenancy agreement was terminated by order in accordance with the Act on May 30, 2015. On that date, the balance of rent owing was \$14,720. Applying the payments made since May 30, 2015 to rent arrears, I find a balance of \$1735.

Rent arrears as at May 30/15	\$14,720
Payments since May 30/15	<u>(12,985)</u>
Rent arrears	\$1,735

Calculating compensation for use and occupation from June 1 to September 30, 2015 I find a balance of \$5120 (4 months @ \$1280/month).

An order shall issue requiring the respondent to pay the applicant rent arrears of \$1735 and compensation for use and occupation of the rental premises of \$5120.

I shall stay the issuance of an eviction order. Should the respondent fail to vacate the premises on September 30, 2015, the applicant may serve notice to the rental officer and this matter shall be continued.

Hal Logsdon
Rental Officer