

IN THE MATTER between **809656 ALBERTA LTD.**, Applicant, and **CRAIG WALTERS AND VIOLET WALTERS**, Respondents;

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, regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

**809656 ALBERTA LTD.**

Applicant/Landlord

- and -

**CRAIG WALTERS AND VIOLET WALTERS**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of two hundred seven dollars and fifty seven cents (\$207.57).
2. Pursuant to section 67(4) of the *Residential Tenancies Act*, the respondents shall pay the applicant compensation for overholding in the amount of four hundred ninety one dollars and seven cents (\$491.07).

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of May, 2002.

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Hal Logsdon  
Rental Officer

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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:

**809656 ALBERTA LTD.**

Applicant/Landlord

-and-

**CRAIG WALTERS AND VIOLET WALTERS**

Respondents/Tenants

**REASONS FOR DECISION**

<b><u>Date of the Hearing:</u></b>	<b>May 1, 2002</b>
<b><u>Place of the Hearing:</u></b>	<b>Yellowknife, NT</b>
<b><u>Appearances at Hearing:</u></b>	<b>Leslie Cole, representing the applicant</b>
<b><u>Date of Decision:</u></b>	<b>May 3, 2002</b>

**REASONS FOR DECISION**

The respondents were served with Notices of Attendance on April 17, 2002 but failed to appear at the hearing. The hearing was held in their absence.

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and sought an order for the payment of the alleged rent arrears. The applicant testified that the respondents had vacated the rental premises on February 25, 2002. The applicant completed a statement of the security deposit, deducting rent arrears, cleaning charges and cost of key replacement from the deposit and accrued interest, leaving a balance owing to the applicant in the amount of \$4075.96. A previous order filed on January 24, 2002 (File #10-6834) ordered the respondents to pay the applicant arrears of \$3230. The applicant sought the balance of rent arrears of \$845.96.

The applicant testified that the premises were left in a very dirty state requiring significant cleaning and removal of garbage. In addition, the applicant testified that the mailbox key and one entry key had not been returned, necessitating the replacement of the mailbox lock and the purchase of a replacement entry key.

The previous order terminated the tenancy agreement on January 31, 2002 unless the respondents paid the applicant at least \$500 of the outstanding rent arrears. The applicant testified that \$500 had been received prior to that date. The previous order also served to terminate the tenancy

agreement on February 15, 2002 unless the balance of the rent arrears and the rent for February, 2002 was paid in full. The applicant testified that no payments were received. Therefore the tenancy was legally terminated on February 15, 2002. The tenants remained in the premises until February 25, 2002 as overholding tenants. The applicant is entitled to rent to and including February 15, 2002 and compensation for overholding from February 16 to and including February 25, 2002. No rent or compensation is required after February 25.

I find the cleaning and key charges reasonable given the testimony heard. Taking into account the previous order and the application of the security deposit I find additional rent arrears owing in the amount of \$207.57. In addition I find compensation for the period of overholding to be \$491.07. The amount are calculated as follows:

Rent arrears as at Jan 24/02	\$3230.00
Previous order	(3230.00)
Payment of rent	(500.00)
Rent (Feb 1-15)	736.61
Cleaning and key charges	365.00
Security deposit (applied first to cleaning and key charges)	<u>(394.04)</u>
<b>Rent arrears owing</b>	<b>\$207.57</b>
<b>Compensation for Overholding (Feb 16-25)</b>	<b>\$491.07</b>

An order shall be issued for the respondents to pay the applicant rent arrears and compensation for overholding in the amount of \$698.64.

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Hal Logsdon  
Rental Officer