

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **DARIN MCKAY AND PATRICIA MANDEVILLE**, 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 **FORT RESOLUTION, NT**.

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

DARIN MCKAY AND PATRICIA MANDEVILLE

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 three thousand four hundred thirty six dollars (\$3436.00).

DATED at the City of Yellowknife, in the Northwest Territories this 4th day of
September, 2004.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **DARIN MCKAY AND PATRICIA MANDEVILLE**, 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.

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

-and-

DARIN MCKAY AND PATRICIA MANDEVILLE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: August 24, 2004

Place of the Hearing: Fort Resolution, NT

Appearances at Hearing: Joyce Beaulieu, representing the applicant
Elizabeth-Ann McKay, representing the applicant
Darin McKay, respondent

Date of Decision: August 24, 2004

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay the full amount of rent and failing to maintain the premises in a clean condition. The applicant sought an order requiring the respondents to pay the alleged rent arrears, to comply with their obligation to maintain the premises in a clean condition and to pay future rent on time.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$3835.50. The applicant testified that the respondents have not maintained the yard area and have a number of vehicles which have, on occasion, blocked the service points for water and sewage.

The respondents did not dispute the allegations pertaining to rent but disputed the allegations regarding the vehicles. The respondent stated that on occasion his regular vehicle had blocked the service points but he had moved the vehicle to permit access.

A previous order was issued on January 14, 1999 requiring the respondents to pay rent arrears in the amount of \$1271.00. This order has not been fully satisfied. Since the order was issued the respondents have paid \$817.50. An additional \$3436 of rent has come due since the issuance of the previous order.

I find the respondents in breach of their obligation to pay rent and find the rent arrears to be

\$3835.50. Taking into account the unsatisfied previous order, an order shall issue requiring the respondents to pay the rent arrears which have come due since the issuance of the previous order in the amount of \$3436. An order requiring the respondents to pay future rent on time has already been issued.

I do not find sufficient evidence to find the premises have not been kept in a reasonably clean condition. The applicant's request for an order requiring the respondents to comply with this obligation is denied.

Hal Logsdon
Rental Officer