

IN THE MATTER between **FORT RESOLUTION HOUSING AUTHORITY**,
Applicant, and **KEVIN FABIEN**, 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,
regarding the rental premises at **FORT RESOLUTION, NT**.

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

KEVIN FABIEN

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 nine hundred seven dollars and ninety eight cents (\$1907.98).

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of
September, 2004.

Hal Logsdon
Rental Officer

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BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

-and-

KEVIN FABIEN

Respondent/Tenant

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
Kevin Fabien, respondent

Date of Decision: August 24, 2004

REASONS FOR DECISION

The tenancy agreement between the parties was terminated in May, 2003 when the respondent vacated the premises. The applicant testified that the security deposit and accrued interest had been applied to repair costs, resulting in a balance of rent owing to the applicant in the amount of \$1907.98. The applicant sought an order requiring the respondent to pay the alleged rent arrears.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$1907.98.

Section 68 of the *Residential Tenancies Act* requires that an application be made within six months of the alleged breach but permits a rental officer to extend the time period for making an application if it is not unfair to either party. In this case, the respondent acknowledges the debt and has made several payments since vacating. In my opinion, the applicant had reasonable grounds to believe that the debt would be paid without recourse to legal action and it is not unfair to either party to issue an order for the rent arrears.

I find the rent arrears to be \$1907.98. An order shall issue requiring the respondent to pay the applicant the rent arrears.

Hal Logsdon
Rental Officer