

IN THE MATTER between **RICHARD JOHN BILLINGHURST**, Applicant, and **DEBBIE MARACLE AND MITCH MARACLE AND ADAM MARACLE**, 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:

RICHARD JOHN BILLINGHURST

Applicant/Landlord

- and -

DEBBIE MARACLE AND MITCH MARACLE AND ADAM MARACLE

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 one thousand thirteen dollars (\$1013.00).
2. Pursuant to section 45(4)(d) of the *Residential Tenancies Act*, the applicant is authorized to pay the outstanding balance of the water account and the respondents are ordered to compensate the applicant for water costs paid on their behalf in the amount of one thousand five hundred sixty one dollars and seventy two cents (\$1561.72).
3. Pursuant to section 41(4)(c) of the *Residential Tenancies Act*, the tenancy agreement between the parties for the premises known as 15 Johnson Crescent, Yellowknife, NT

shall be terminated on July 22, 2005 and the respondents shall vacate the premises on that date.

DATED at the City of Yellowknife, in the Northwest Territories this 6th day of July, 2005.

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");

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BETWEEN:

RICHARD JOHN BILLINGHURST

Applicant/Landlord

-and-

DEBBIE MARACLE AND MITCH MARACLE AND ADAM MARACLE

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: July 6, 2005

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Penelope Billinghamurst, representing the applicant (by telephone)
Debbie Maracle, respondent

Date of Decision: July 6, 2005

REASONS FOR DECISION

The applicant alleged that the respondents had breached the tenancy agreement by failing to pay rent and by failing to pay for water costs during the term of the tenancy. A previous order (File #10-8452, filed on June 10, 2005) required the respondents to pay rent arrears and water costs. The applicant testified that no payments had been received since that order was issued nor had any payments been made for water. The applicant also stated that the July rent of \$1400 had come due and had not been paid. The applicant sought an order requiring the respondents to pay the outstanding water costs, the July, 2005 rent and terminating the tenancy agreement.

The applicant stated that she had been advised that water costs totalling \$1672.68 had been transferred to the tax account. However the City of Yellowknife advises that the outstanding water account balance as at July 6, 2005 is \$1561.72 and that no amounts have yet been applied to the applicant's tax account. No payments for water appear to have been made since the previous order was issued.

The respondent asked that certain repairs to the premises be considered when determining the rent owing. It appears, however that the respondents have not made the landlord aware of the requirement for these repairs. Section 30 of the *Residential Tenancies Act* clearly obligates the tenant to make the landlord aware of any requirement for repair. Therefore, in my opinion, no offset for repair costs made on behalf of the landlord should be considered.

In my opinion, there are sufficient grounds to terminate this tenancy agreement. The respondents have failed to pay any rent or water costs since the previous order was issued. The amounts owing, including the previous order, are significant.

An order shall issue terminating the tenancy agreement on July 22, 2005. The respondents shall also be ordered to pay a prorated amount of the July, 2005 rent which I find to be \$1013. Since the water bill will eventually become the responsibility of the landlord when it is transferred to taxes, the order shall authorize the applicant to pay the outstanding amount on behalf of the respondents and order the respondents to pay compensation to the applicant for costs paid on their behalf in the amount of \$1561.72.

Hal Logsdon
Rental Officer