

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **DEBORAH TAGORNAK AND RONALD O'NEIL**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

- and -

DEBORAH TAGORNAK AND RONALD O'NEIL

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 62(2) of the *Residential Tenancies Act*, the respondents shall pay the applicant compensation for lost rent in the amount of one thousand forty five dollars and twenty four cents (\$1045.24).

DATED at the City of Yellowknife, in the Northwest Territories this 7th day of April,
2006.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **DEBORAH TAGORNAK AND RONALD O'NEIL**, 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:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

DEBORAH TAGORNAK AND RONALD O'NEIL

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	March 21, 2006
<u>Place of the Hearing:</u>	Yellowknife, NT
<u>Appearances at Hearing:</u>	Krista Cooper, representing the applicant
<u>Date of Decision:</u>	March 21, 2006

REASONS FOR DECISION

The respondents were served with Notices of Attendance sent by registered mail and confirmed delivered. The respondents failed to appear at the hearing and the hearing was held in their absence.

The tenancy agreement between the parties was terminated on or about January 13, 2006 when the respondents vacated the premises. The applicant retained the security deposit and issued a statement of the deposit showing deductions for rent arrears. The applicant provided a copy of the statement in evidence which indicated a balance owing to the applicant in the amount of \$1545.24. Of that amount, \$1225 was compensation for the February, 2006 rent which the applicant claims was lost due to the improper notice given by the respondents. The applicant testified that they showed the premises to prospective tenants after the respondents gave notice on January 9, 2006 but were unable to rent the premises in February, 2006. The applicant also testified that since the statement was issued the respondents had made a payment of \$500 bringing the balance owing to \$1045.24

I find the statement in order. Applying the recent payment of \$500 first to rent arrears I find a credit owing to the respondents in the amount of \$179.76 calculated as follows:

Security deposit	\$887.50
Interest	17.26
Rent arrears	(1225.00)
Payment	500.00
Net rent arrears	\$179.76 cr

I also find that the respondent gave improper notice and that the applicant took reasonable steps to mitigate loss. I find the respondents liable for the applicant's loss of the February, 2006 rent in the amount of \$1225. Applying the credit shown above to the compensation due, I find the balance owing to the applicant to be \$1045.24 calculated as follows:

Compensation for February rent	\$1225.00
Credit	<u>(179.76)</u>
Amount owing applicant	\$1045.24

An order shall issue requiring the respondent to pay the applicant compensation for lost rent in the amount of \$1045.24.

Hal Logsdon
Rental Officer