

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **STEPHEN LEYDEN**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

- and -

STEPHEN LEYDEN

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 three thousand one hundred eighty five dollars (\$3185.00).

DATED at the City of Yellowknife, in the Northwest Territories this 20th day of November, 2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **STEPHEN LEYDEN**, Respondent.

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AND IN THE MATTER of a Hearing before **Hal Logsdon**, Rental Officer.

BETWEEN:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

STEPHEN LEYDEN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: November 8, 2007

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Julia O'Brien, representing the applicant

Date of Decision: November 20, 2007

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail to the rental premises. The respondent failed to appear at the hearing and the hearing was held in his absence.

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and by failing to provide the full amount of the required security deposit. The applicant sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement.

The applicant was not sure if the respondent was still in possession of the premises. It was suggested that the applicant check the premises to see if the tenant was still in possession. After the hearing, the applicant advised the rental officer that the respondent had vacated the premises in mid October, 2007. The applicant has retained the portion of the security deposit provided by the respondent.

A previous order (File #10-9618, filed on July 16, 2007) required the respondent to pay rent arrears of \$2470 and terminated the tenancy agreement on July 31, 2007 unless the rent arrears were paid in full. The rent statement indicates that the arrears were not paid in full by July 31, 2007. The applicant stated that they had entered into a repayment plan with the respondent and reinstated the tenancy agreement. The previous order has now been satisfied.

The statement of rent provided by the applicant in evidence indicates a balance of rent owing as at November 1, 2007 in the amount of \$5920. Included in that amount are charges for the security deposit (\$1270) and one payment of \$740 which the applicant stated was a partial payment of the required security deposit. Therefore the rent indicated on the statement is overstated by \$530. As well, rent has been charged for October and November, 2007 when the tenant was no longer in possession.

Adjusting the balance indicated on the statement as follows, I find rent arrears in the amount of \$3185.

Balance as at November 1, 2007	\$5920.00
Less November, 2007 rent	(1470.00)
Less October 16-31 rent	(735.00)
Less security deposit entries	<u>(530.00)</u>
Rent arrears	\$3185.00

I find the respondent in breach of his obligation to pay rent. An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$3185. After deducting any repair costs from the retained security deposit and interest, the applicant shall apply any remainder to the satisfaction of this order. A statement of the security deposit shall be completed and served on the respondent in accordance with section 18 of the *Residential Tenancies Act*.

Hal Logsdon
Rental Officer