

IN THE MATTER between **SHADRECK COLEMAN NYATHI**, Applicant, and **NWT HOUSING CORPORATION**, 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 **BEHCHOKO, NT**.

BETWEEN:

SHADRECK COLEMAN NYATHI

Applicant/Tenant

- and -

NWT HOUSING CORPORATION

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 30(4)(a) of the *Residential Tenancies Act*, the respondent shall complete the following repairs to the rental premises no later than November 30, 2007.
 - a) Repair the small hole in the bathroom floor next to the toilet to prevent any air infiltration.
 - b) Install new dryer hood and damper assembly on the dryer vent.

DATED at the City of Yellowknife, in the Northwest Territories this 28th day of November, 2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **SHADRECK COLEMAN NYATHI**, Applicant, and **NWT HOUSING CORPORATION**, Respondent.

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

BETWEEN:

SHADRECK COLEMAN NYATHI

Applicant/Tenant

-and-

NWT HOUSING CORPORATION

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: November 22, 2007

Place of the Hearing: Behchoko, NT

Appearances at Hearing: Shadreck Coleman Nyathi, applicant
Cory Vanthuyne, representing the respondent

Date of Decision: November 22, 2007

REASONS FOR DECISION

The applicant alleged that the respondent had breached their obligation to maintain the premises in a good state of repair and sought an order requiring the respondent to undertake repairs to the rental premises.

The applicant stated that the drain to his bathtub repeatedly froze making it impossible to drain the tub. The applicant stated that he advised the respondent of this problem in November, 2006 but the problem remained unresolved throughout the winter of 2006/07. The applicant stated that he continued to remind the respondent of the problem during the summer of 2007 but no action was taken to repair the drain. In October, the drain began to freeze again and the applicant filed an application to a rental officer on October 31, 2007.

The applicant stated that since the application was filed the respondent has repaired the drain and, to date, it has not frozen. The applicant stated that a small hole in the bathroom floor, which was the result of repairs made, needed to be sealed as it allowed cold air to enter the premises.

The rental officer inspected the premises and made the following observations:

- a) The water supply to the toilet has been re-routed and the opening in the floor through which the supply used to run has not been sealed. Some minor air infiltration exists in the area.

- b) The dryer vent hood and damper assembly is missing from the exterior end of the dryer vent allowing cold air to enter the premises through the vent.

The respondent acknowledged that the drain had been repaired and the water supply re-routed to prevent the lines from freezing. The respondent acknowledged that the repairs noted on the inspection were necessary.

I find the respondent in breach of their obligation to maintain the premises in a good state of repair. Although it took an extraordinary length of time to address the drain problem, it appears to have been resolved. The remaining problems are minor.

An order shall issue requiring the respondent to address the repair to the bathroom floor and the dryer vent on or before November 30, 2007.

This decision was provided to the parties at the conclusion of the hearing.

Hal Logsdon
Rental Officer