

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **GREG DRESCHER AND HESTER INUASLURAK**, 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 **INUVIK, NT**.

BETWEEN:

**NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**

Applicant/Landlord

- and -

**GREG DRESCHER AND HESTER INUASLURAK**

Respondents/Tenants

**ORDER**

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of May, 2007.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **GREG DRESCHER AND HESTER INUASLURAK**, 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 REAL ESTATE INVESTMENT TRUST**

Applicant/Landlord

-and-

**GREG DRESCHER AND HESTER INUASLURAK**

Respondents/Tenants

**REASONS FOR DECISION**

**Date of the Hearing:** April 25, 2007

**Place of the Hearing:** Inuvik, NT

**Appearances at Hearing:** Darrin Holmes, representing the applicant

**Date of Decision:** May 9, 2007

**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 applicant testified that the respondents abandoned the rental premises on December 31, 2006. The applicant alleged that the respondents had failed to pay the full amount of the rent, failed to leave the premises in a clean condition and failed to give adequate notice, causing the landlord to lose rent. The applicant sought an order requiring the respondents to pay the alleged rent arrears, cleaning costs, and compensation for lost rent.

The application was filed on March 28, 2007 pursuant to section 41(4)(a) of the *Residential Tenancies Act* seeking payment of alleged rent arrears. Although the application was made almost three months after the tenancy agreement was terminated and after the applicant had re-rented the premises, there was no request for compensation for lost rent on the application.

Section 75 of the *Residential Tenancies Act* sets out a rental officer's obligation to follow the rules of natural justice.

**75. A rental officer shall adopt the most expeditious method of determining the questions arising in any proceedings and ensure that the rules of natural justice are followed.**

The principles of natural justice require that the parties must know the case against them, must be allowed an opportunity to dispute the allegations against them and must be able to present

evidence in support of their case. As there is no indication of the landlord's intent to seek compensation for lost rent on the application, in my opinion, it is not reasonable for me to consider such relief at this hearing.

The applicant provided a statement of account in evidence which indicated a balance owing in the amount of \$909.42. Included in that amount were cleaning and carpet cleaning charges of \$219.42. The applicant also provided a check out inspection in evidence which itemized the expenses for cleaning.

There is no evidence that a security deposit statement was produced or provided to the respondents as required by section 18 of the *Residential Tenancies Act*. The applicant testified that he had retained a security deposit of \$1100 which had been paid in full at the commencement of the tenancy agreement but had not applied the security deposit to the account.

Applying the security deposit and accrued interest against the cleaning costs and rent arrears, I find a credit balance in favour of the respondents in the amount of \$221.66, calculated as follows:

Security deposit	\$1100.00
Interest	31.08
Cleaning costs	(219.42)
Rent arrears	<u>(690.00)</u>
Amount owing respondents	\$221.66

Accordingly, the application is dismissed.

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Hal Logsdon  
Rental Officer