

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **SEAN CROWELL**, 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 LIMITED PARTNERSHIP

Applicant/Landlord

- and -

SEAN CROWELL

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. The application is dismissed.

DATED at the City of Yellowknife, in the Northwest Territories this 27th day of August,
2008.

Hal Logsdon
Rental Officer

IN THE MATTER between **NORTHERN PROPERTY LIMITED PARTNERSHIP**,
Applicant, and **SEAN CROWELL**, 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.

BETWEEN:

NORTHERN PROPERTY LIMITED PARTNERSHIP

Applicant/Landlord

-and-

SEAN CROWELL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 20, 2008

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Rosetta Morales, representing the applicant
Connie Diener, representing the applicant
Sean Crowell, respondent

Date of Decision: August 27, 2008

REASONS FOR DECISION

The applicant alleged that the respondent had breached the tenancy agreement by failing to pay rent and sought an order requiring the respondent to pay the alleged rent arrears and terminating the tenancy agreement.

The applicant provided a statement which had a balance owing in the amount of \$543.87.

The respondent disputed the arrears stating that he believed the amount owing was actually an unpaid portion of the security deposit. The applicant testified that the full amount of the \$1200 security deposit had been paid by the respondent.

The statement provided by the applicant is, to say the least, confusing. It contains both debits and credits for rent as well as the security deposit. Although the number of security deposit debit entries would normally be only two (one for 50% of the deposit posted at the commencement of the tenancy agreement and one for the remainder three months later) this statement contains twelve debit entries, half of which are negative debits, amounting to a credit. The reasons for all these adjustments on the statement is not clarified by the descriptions of the entries or by the applicant's testimony nor does the statement support the applicant's testimony that the security deposit has been paid in full. I accept the testimony of the applicant and shall ignore the security deposit entries contained in the statement. They are clearly unreliable and suggest that the final statement balance of \$543.87 is also incorrect.

Although it may be beyond the scope of my responsibility as rental officer, I would strongly suggest that the applicant account for the security deposit separately from the rent. Unless there are other records on this security deposit kept by the applicant, it will be impossible for them to accurately calculate interest on the deposit at the end of the tenancy.

The statement contains other unidentifiable entries which I shall not consider. A debit entry dated October 1, 2006 in the amount of \$135 is described as "Reverse adjustment tenant transferred from t 0001280". Another debit entry dated January 31, 2007 in the amount of \$1200 is described as "reverse ctrl 145509". Neither of these entries appear to be rent for the premises or debits for the security deposit. The latter appears to be for the January, 2007 rent which was previously charged.

Ignoring all the debits and credits contained on the statement and the two aforementioned unidentified debits, I find a credit balance in the favour of the respondent of \$156.13, calculated as follows:

September/06 rent	\$1160.00
Oct/06 - Sept/07 rents (12 X \$1200)	14,400.00
Oct/07 - Aug/0-8 rents (\$11 X \$1245)	13,695.00
Parking - July/07	33.87
Parking Aug/07 - Aug/08 (13 X \$75)	<u>975.00</u>
Total rents	\$30,263.87
Less total payments	<u>(30,420.00)</u>
Balance	(156.13)

Accordingly the application is dismissed.

Hal Logsdon
Rental Officer