

IN THE MATTER between **NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST**, Applicant, and **MELISSA KISOON AND SHIRLY KISOON**, 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 -

MELISSA KISOON AND SHIRLY KISOON

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondents shall pay the applicant rent arrears in the amount of one thousand eight hundred sixty two dollars and seventy two cents (\$1862.72).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondents shall pay the applicant cleaning costs in the amount of four hundred thirty eight dollars and eighty four cents (\$438.84).
3. Pursuant to section 62(2) of the *Residential Tenancies Act* the respondents shall pay the

applicant compensation for lost rent in the amount of nine hundred fifty dollars (\$950.00).

DATED at the City of Yellowknife, in the Northwest Territories this 23rd day of April, 2008.

Hal Logsdon
Rental Officer

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BETWEEN:

NORTHERN PROPERTY REAL ESTATE INVESTMENT TRUST

Applicant/Landlord

-and-

MELISSA KISOON AND SHIRLY KISOON

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: April 1, 2008

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Darrin Holmes, representing the applicant

Date of Decision: April 23, 2008

REASONS FOR DECISION

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

The applicant testified that the premises were abandoned in November, 2007. The applicant retained the security deposit (\$704.84) and accrued interest (\$12.28) applying it against rent arrears (\$2579.84), general cleaning (\$360), administration (\$54.00) and GST (\$24.84) resulting in a balance owing to the applicant in the amount of \$2301.56.

The applicant testified that the respondents gave no written notice and despite efforts to re-rent the premises, they were not re-rented in December, 2007. The applicant sought an order requiring the respondents to pay the rent arrears and cleaning costs (\$2301.56) and compensation for lost rent in December, 2007 (\$950) in the total amount of \$3251.56.

The tenancy agreement between the parties commenced on July 1, 2007 and was made for a one year term.

The applicant testified that the premises were left in an unclean state and a lot of cleaning was necessary to bring the premises to a state of reasonable cleanliness. An inspection report provided in evidence supports this allegation.

I find the applicant's rent and security deposit statements to be in order and find the respondents in breach of their obligation to pay rent and to leave the premises in a reasonable state of cleanliness. I find the cleaning costs to be reasonable. In my opinion, the applicant took reasonable steps to mitigate the loss of rent after the respondents abandoned the premises and is entitled to compensation of one month's rent or \$950.

Applying the security deposit and accrued interest first to the rent arrears I find the following amounts to be owing.

Security deposit	\$704.84
Interest	12.28
Rent arrears	<u>(2579.84)</u>
Rent due applicant	\$1862.72
plus cleaning costs	438.84
plus compensation for lost rent	<u>950.00</u>
Total	\$3251.56

An order shall issue requiring the respondents to pay the applicant rent arrears of \$1862.72, cleaning costs of \$438.84 and compensation for lost rent of \$950.00.

Hal Logsdon
Rental Officer