

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
DONNA TAKAZO AND LIONEL LOUISON, 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 **DELINE, NT**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

DONNA TAKAZO AND LIONEL LOUISON

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 eighteen thousand seven hundred thirty eight dollars and sixty six cents (\$18,738.66).

DATED at the City of Yellowknife, in the Northwest Territories this 14th day of January,
2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
DONNA TAKAZO AND LIONEL LOUISON, 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

DONNA TAKAZO AND LIONEL LOUISON

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: January 6, 2009

Place of the Hearing: Deline, NT via teleconference

Appearances at Hearing: Phebie Kenny, representing the applicant
Donna Takazo, respondent (by telephone)

Date of Decision: January 14, 2009

REASONS FOR DECISION

The respondent Lionel Louison was personally served with a Notice of Attendance but failed to appear at the hearing or to make any arrangements to appear by telephone. The hearing was held in his absence.

It appears that Mr. Louison vacated the premises on or about January 31, 2008 and the applicant entered into a tenancy agreement for the same premises with Ms Takazo as sole tenant. The written tenancy agreement between the applicant and Ms Takazo commenced on April 1, 2008 but it appears from the tenant ledgers that the joint tenancy was charged rent to January 31, 2008 and Ms Takazo was charged rent thereafter.

The applicant alleged that the respondents failed to pay the full amount of the rent during the tenancy agreement and sought an order requiring the respondents to pay the alleged rent arrears. The premises are subsidized public housing.

The application was filed on October 7, 2008 ten months after the tenancy agreement ended.

Section 68 of the *Residential Tenancies Act* requires that an application be made within six months but permits a rental officer to extend that time period if it is not unfair to do so.

Considering that Ms Takazo continued to occupy the premises for another eight months and both parties appear to have been gainfully employed for most, if not all, of that period, I do not think it is unreasonable to extend the time period and consider the matter.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$19,928.75. The applicant stated that all of the rent had been assessed based on the household income. The applicant also indicated that a security deposit had been provided by the parties and the principal and interest transferred to Ms Takazo's tenancy. There is no evidence that Mr. Louison agreed to the transfer of the security deposit. A statement of the security deposit, provided in evidence by the applicant indicates that all of the deposit of \$1133 was provided by the respondents during the term of the joint tenancy agreement.

I find the statement in order but, in my opinion, the security deposit, which was provided by the joint tenants should have been retained and applied to the rent arrears rather than being transferred to Ms Takazo's account. Considering the termination date of January 31, 2008 and applying the security deposit and accrued interest to the rent arrears, I find the amount owing to be \$18,738.66 calculated as follows:

Rent arrears to January 31/08	\$19,928.75
Security deposit	(1133.00)
Interest to Dec. 31, 2007	(52.67)
Interest - Jan. 1-31, 2008	<u>(4.42)</u>
Total	\$18,738.66

An order shall issue requiring the respondents to pay the applicant rent arrears in the amount of \$18,738.66.

Hal Logsdon
Rental Officer