

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
NICOLE TUTCHO, 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 **DELINE, NT**.

BETWEEN:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

- and -

NICOLE TUTCHO

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of eight thousand four hundred thirty seven dollars and twenty six cents (\$8437.26).

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of
December, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **DELINE HOUSING ASSOCIATION**, Applicant, and
NICOLE TUTCHO, 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:

DELINE HOUSING ASSOCIATION

Applicant/Landlord

-and-

NICOLE TUTCHO

Respondent/Tenant

REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 3, 2009
<u>Place of the Hearing:</u>	Yellowknife, NT via teleconference
<u>Appearances at Hearing:</u>	Phebie Kenny, representing the applicant (by telephone)
<u>Date of Decision:</u>	December 3, 2009

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail. The rental officer contacted the respondent on November 17, 2009 to make arrangements to hear the matter by telephone and confirmed the date and time of the hearing and the telephone number where the respondent would be contacted. Two messages were subsequently left at the respondent's premises concerning the arrangements for the hearing. Although there was no confirmation that the notice sent by registered mail was picked up by the respondent, I am satisfied she was fully aware of the hearing arrangements. The respondent did not make herself available for the telephone hearing and the hearing was held in her absence.

The tenancy agreement between the parties was terminated on August 31, 2009 when the respondent vacated the premises. The applicant retained the security deposit (\$788) and accrued interest (\$94.74), applying it against rent arrears (\$9320), resulting in a balance owing to the applicant of \$8437.26.

The applicant provided a copy of the tenant ledger in evidence.

I find the ledger in order and find the respondent in breach of her obligation to pay rent. An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$8437.26.

Hal Logsdon
Rental Officer