

IN THE MATTER between **RANGER APARTMENTS**, Applicant, and **MARY GULLIAN**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer, regarding the rental premises at **HAY RIVER, NT**.

BETWEEN:

RANGER APARTMENTS

Applicant/Landlord

- and -

MARY GULLIAN

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 and penalties for late rent in the amount of nine hundred eleven dollars and fifty two cents (\$911.52).

DATED at the City of Yellowknife, in the Northwest Territories this 22nd day of September, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **RANGER APARTMENTS**, Applicant, and **MARY GULLIAN**, 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:

RANGER APARTMENTS

Applicant/Landlord

-and-

MARY GULLIAN

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 16, 2011

Place of the Hearing: Hay River, NT

Appearances at Hearing: Bernie Langille, representing the applicant

Date of Decision: September 16, 2011

REASONS FOR DECISION

The respondent was personally served with a Notice of Attendance but failed to appear at the hearing. The hearing was held in her absence.

The applicant stated that he assumed that the respondent moved out on August 15, 2011 when the electricity was shut off, although he did not discover the unit unoccupied until some weeks later. The applicant stated that the respondent had not given him any notice. The applicant alleged that the respondent had failed to pay the full amount of rent owing and sought an order requiring the respondent to pay the alleged rent arrears.

The applicant provided a copy of the tenant ledger in evidence which indicated a balance of rent owing in the amount of \$2336. The full rent of \$550 was charged in August and September, 2011. The applicant retained a security deposit of \$550. No statement of the security deposit has been issued.

The application was also filed pursuant to section 59 of the *Residential Tenancies Act* which entitled the respondent to give written notice of five days to terminate the tenancy agreement after being served with the application. However, there is no evidence of written notice.

Therefore I find that the respondent abandoned the premises on August 15, 2011.

The applicant is entitled to rent arrears up to the date the tenancy agreement was terminated by

abandonment. Taking into account the retained security deposit and accrued interest, I find that amount to be \$911.52 calculated as follows:

Balance as per ledger, July 31, 2011	\$1201.00
Rent, August 1-15	266.13
August late fees, as charged	35.00
Less retained security deposit	(550.00)
Less interest on security deposit	<u>(40.61)</u>
Balance owing applicant	\$911.52

An order shall issue requiring the respondent to pay the applicant rent arrears and penalties for late rent in the amount of \$911.52.

Hal Logsdon
Rental Officer