

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **MEGGIN CREED**, 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 **YELLOWKNIFE, NT.**

BETWEEN:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

- and -

**MEGGIN CREED**

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 seven hundred twenty six dollars and eight cents (\$726.08).

DATED at the City of Yellowknife, in the Northwest Territories this 3rd day of  
December, 2012.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,  
and **MEGGIN CREED**, 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:

**YELLOWKNIFE HOUSING AUTHORITY**

Applicant/Landlord

-and-

**MEGGIN CREED**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** November 9, 2012

**Place of the Hearing:** Yellowknife, NT

**Appearances at Hearing:** Ella Newhook, representing the applicant

**Date of Decision:** December 3, 2012

### **REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing there was no confirmation of receipt however the respondent was provided with a notice from Canada Post on October 25, 2012 that an item was available for pick-up. The respondent failed to appear at the hearing. In my opinion, it is not unreasonable to deem the Notice of Attendance served in accordance with section 71(5) of the *Residential Tenancies Act*. The matter was heard in the absence of the respondent.

The applicant stated that the tenancy agreement ended on October 29, 2012 when the respondent abandoned the premises. The applicant retained the security deposit (\$1200) and accrued interest (\$7.16) applying it to repairs, cleaning and removal and storage of personal items (\$1808.09) and rent arrears (\$755) leaving a balance owing of \$1355.93. The applicant sought an order requiring the respondent to pay that amount.

The applicant provided an itemized list of repair, cleaning and removal costs in evidence. The list contains an arithmetic error of (\$190) which also results in an inaccurate sum of administrative charges and GST which are based on a percentage of the costs.

The applicant has charged the respondent for the removal and storage of the abandoned personal property. This is not a repair cost or arrears of rent and cannot therefore be deducted from a security deposit. The *Residential Tenancies Act* does not contain a provision for a landlord to recoup removal and storage costs through an *Application to a Rental Officer*. Sections 64 and 65

of the Act permit the landlord to demand these costs from the tenant prior to releasing the property and permit the landlord to sell the property on the approval of a rental officer and apply the proceeds to the removal and storage costs. Therefore, relief for the removal and storage costs in the amount of \$760 is denied.

Adjusting the repair and cleaning costs accordingly I find a total of \$1178.24 calculated as follows:

General cleaning and dump charges	\$768.28
Lock change	54.00
Light globes	84.00
Patch and paint	160.00
Administration	106.63
GST	<u>5.33</u>
Total repair and cleaning	\$1178.24

The applicant provided a statement of the rent account in evidence which indicated a balance of rent owing of \$755. I find the statement to be in order.

Applying the security deposit first to the repair and cleaning costs I find rent arrears owing to the applicant of \$726.08 calculated as follows:

Security deposit	(\$1200.00)
Interest	(7.16)
Repairs and cleaning	1178.24
Rent arrears	<u>755.00</u>
Amt due applicant	\$726.08

An order shall issue requiring the respondent to pay the applicant rent arrears of \$726.08.

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Hal Logsdon  
Rental Officer