

IN THE MATTER between **NTHC**, Applicant, and **CWH**, 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 **Adelle Guigon**, Rental Officer,

BETWEEN:

NTHC

Applicant/Landlord

-and-

CWH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 21, 2017

Place of the Hearing: Yellowknife, Northwest Territories

Appearances at Hearing: AG, representing the applicant

Date of Decision: March 21, 2017

REASONS FOR DECISION

An application to a rental officer made by NWHHA on behalf of the NTHC as the applicant/landlord against CWH as the respondent/tenant was filed by the Rental Office November 25, 2016. The application was made regarding a residential tenancy agreement for a rental premises located in Norman Wells, Northwest Territories. The applicant served the filed application on the respondent by registered mail signed for December 20, 2016.

The applicant alleged the respondent had accumulated rental arrears, had caused damages to the rental premises, and had left the rental premises in an unclean condition. An order was sought for payment of the rental arrears and payment for costs of repairs and cleaning.

A hearing was scheduled for March 21, 2017, by three-way teleconference. AG appeared representing the applicant. CWH was served notice of the hearing by registered mail signed for March 7, 2017. The respondent did not appear at the hearing, nor did anyone appear on his behalf. The hearing proceeded in the respondent's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Tenancy agreement

The applicant's representative testified and provided evidence establishing a residential tenancy agreement for market rental housing between the parties commencing October 3, 2014, and ending July 15, 2016, when the respondent vacated the rental premises. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act.

Rental arrears

The lease balance statement entered into evidence represents the landlord's accounting of monthly rents and payments made against the respondent's rent account. The rent was established at \$1,110 per month. The last payment received against the account was recorded June 17, 2016, in the amount of \$555.

Four charges of \$10 each described as NSF charges were applied against the rent account on June 22, 2015, September 14, 2015, January 4, 2016, and July 4, 2016. Section 13 of the Act prohibits charging penalties for breaches of the tenant's obligations. Charging a flat NSF fee without proving the fee reflects actual losses suffered by the landlord as a direct result of the tenant's breach constitutes a prohibited penalty. I am not satisfied the landlord has proven such a loss has been suffered, as such \$40 will be deducted from amount of rental arrears claimed.

I am satisfied the amended lease balance statement accurately reflects the current status of the respondent's rent account. I find the respondent has accumulated rental arrears in the amount of \$500.60.

Damages and cleaning

The applicant's representative provided entry and exit inspection reports, photographs, work orders, and invoices in support of her testimony that the respondent had caused damages to the rental premises and had left the rental premises in an unclean condition. The damages included minor holes in the walls and one damaged interior door. The applicant also had to change the deadbolt to the premises due to the respondent's failure to return the keys at the end of the tenancy.

I am satisfied the evidence and testimony establishes the referenced damages and uncleanliness, and the requirement to replace the deadbolt, as the respondent's responsibility. I find the respondent liable for the costs of repairs and cleaning in the amount of \$504.32.

Orders

An order will issue requiring the respondent to pay rental arrears in the amount of \$500.60 and requiring the respondent to pay costs for repairs in the amount of \$504.32.

Adelle Guigon
Rental Officer