

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and **ESTHER BERNARDE**, 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 **TULITA, NT**.

BETWEEN:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

- and -

ESTHER BERNARDE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 41(4)(a) and 83(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant rent arrears in the amount of fourteen thousand five hundred eighty five dollars (\$14,585.00). The applicant shall complete a statement of the security deposit in accordance with the Act and, after applying the security deposit and accrued interest to any repairs of damages, apply any remainder of the security deposit to the satisfaction of this order.

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of July, 2007.

Hal Logsdon
Rental Officer

IN THE MATTER between **TULITA HOUSING ASSOCIATION**, Applicant, and **ESTHER BERNARDE**, 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:

TULITA HOUSING ASSOCIATION

Applicant/Landlord

-and-

ESTHER BERNARDE

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: July 18, 2007

Place of the Hearing: Tulita, NT via teleconference

Appearances at Hearing: Helen Squirrel, representing the applicant

Date of Decision: July 18, 2007

REASONS FOR DECISION

The respondent was served with a Notice of attendance sent by registered mail which was confirmed delivered. The respondent failed to appear at the hearing and the hearing was held in her absence.

The tenancy agreement between the parties was terminated on May 31, 2007 when the respondent vacated the premises. The applicant alleged that the respondent had failed to pay the full amount of rent during the tenancy agreement 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 \$14,585. The full unsubsidized rent was applied in April and May, 2007. The applicant stated that the full rent was applied because the respondent failed to report any income to the Income Security Officer on which to calculate the rent.

I find the ledger in order and find the respondent in breach of her obligation to pay rent. I find the application of the full rent to be reasonable and find the rent arrears to be \$14,585.

The applicant stated that they held a security deposit of \$500 but I find no evidence that the deposit was applied to the rent arrears or any evidence that the applicant completed a statement in accordance with section 18(3) of the *Residential Tenancies Act*. This must be done forthwith.

An order shall issue requiring the respondent to pay rent arrears in the amount of \$14,585. The applicant shall complete a statement of the security deposit in accordance with the Act and, after applying the security deposit and accrued interest to any repairs of damages, apply any remainder of the security deposit to the satisfaction of this order.

Hal Logsdon
Rental Officer
