

IN THE MATTER between **N.W.T. COMMUNITY SERVICES CORPORATION**,  
Applicant, and **TERRY SAUNDERS**, 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 **YELLOWKNIFE, NT.**

BETWEEN:

**N.W.T. COMMUNITY SERVICES CORPORATION**

Applicant/Landlord

- and -

**TERRY SAUNDERS**

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 hundred three dollars and eighty seven cents (\$803.87).
2. Pursuant to section 62(2) of the *Residential Tenancies Act*, the respondent shall pay the applicant compensation for lost rent in the amount of one thousand fifty dollars (\$1050.00).

DATED at the City of Yellowknife, in the Northwest Territories this 30th day of  
September, 2008.

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Hal Logsdon  
Rental Officer

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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:

**N.W.T. COMMUNITY SERVICES CORPORATION**

Applicant/Landlord

-and-

**TERRY SAUNDERS**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** September 23, 2008

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

**Appearances at Hearing:** Gail Leonardis, representing the applicant

**Date of Decision:** September 23, 2008

### **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 his absence.

The tenancy agreement between the parties was terminated on July 25, 2008 when the applicant declared the premises abandoned and took possession. The applicant retained the security deposit (\$600) and accrued interest (\$7.83) applying it against the unpaid July, 2008 rent (\$1050), cleaning (\$186.70), carpet cleaning (\$150) and replacement of a key (\$25) leaving a balance owing to the applicant of \$803.87. The applicant issued a statement of the security deposit and deductions in accordance with section 18 of the *Residential Tenancies Act*. The applicant sought an order requiring the respondent to pay the balance owing and compensation for lost rent for the month of August, 2008 in the amount of \$1050.

The premises are subsidized public housing and tenants are required to report the household income periodically in order to calculate a rent based on income. The respondent had been notified that he was required to submit his 2007 income tax return or notice of assessment on or before June 30, 2008 or his rent would be set at the maximum amount of \$1050 for the month of July, 2008. The applicant stated that no income information was provided and the rent was set at the maximum level for July, 2008 in accordance with article 7 of the tenancy agreement.

The applicant stated that after cleaning the premises, they contacted persons on their waiting list

but no one was able to take the unit in August due to requirements to give notice to their current landlord. The applicant also stated that three other apartments in the residential complex were available for rent at that time, making the respondent's former apartment more difficult to rent on short notice.

I find the security deposit statement in order and, applying the retained security deposit and interest first to cleaning and key charges, find rent arrears in the amount of \$803.87. I find the application of the full unsubsidized rent to be reasonable. I find the applicant's efforts to mitigate loss of rent after the abandonment of the premises to be reasonable and the actual loss of rent to be \$1050.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$803.87 and compensation for lost rent in the amount of \$1050.

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Hal Logsdon  
Rental Officer