

IN THE MATTER between **JEAN SEBASTIEN DI CESARE**, Applicant, and
FELICIA SMITH, 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:

JEAN SEBASTIEN DI CESARE

Applicant/Landlord

- and -

FELICIA SMITH

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 62(2) of the *Residential Tenancies Act* the respondent shall pay the applicant compensation for lost rent in the amount of six hundred twenty five dollars (\$625.00).

DATED at the City of Yellowknife, in the Northwest Territories this 25th day of June,
2009.

Hal Logsdon
Rental Officer

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FELICIA SMITH, Respondent.

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BETWEEN:

JEAN SEBASTIEN DI CESARE

Applicant/Landlord

-and-

FELICIA SMITH

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: **June 24, 2009**

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

Appearances at Hearing: **Jean Sebastien Di Cesare, applicant**

Date of Decision: **June 24, 2009**

REASONS FOR DECISION

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

The rental premises consist of a room in the applicant's apartment. The tenancy agreement commenced on March 1, 2009 and the monthly rent was \$625. The full amount of the March rent was paid at the commencement of the tenancy agreement.

The applicant stated that he did not see the respondent much in the latter part of March or early April but since all of her possessions were in the premises, did not consider the premises abandoned. About the third week of April, the applicant was told that the respondent did not intend to return and he advertised the premises for rent, removed the respondent's personal possessions from the premises and re-rented the room on May 1, 2009. The applicant sought compensation for the lost April rent.

I find that the respondent abandoned the premises and that the applicant took reasonable steps to mitigate the loss of the April rent. In my opinion, compensation of \$625 is reasonable. An order shall issue requiring the respondent to pay the applicant compensation for lost rent in the amount of \$625.

Hal Logsdon
Rental Officer