

IN THE MATTER between **SHELTER CANADIAN PROPERTIES LTD.**, Applicant,
and **RICHARD SHUSHACK**, 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:

SHELTER CANADIAN PROPERTIES LTD.

Applicant/Landlord

- and -

RICHARD SHUSHACK

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 one thousand five hundred seventy two dollars and four cents (\$1572.04).

DATED at the City of Yellowknife, in the Northwest Territories this 18th day of
September, 2009.

Hal Logsdon
Rental Officer

IN THE MATTER between **SHELTER CANADIAN PROPERTIES LTD.**, Applicant,
and **RICHARD SHUSHACK**, 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:

SHELTER CANADIAN PROPERTIES LTD.

Applicant/Landlord

-and-

RICHARD SHUSHACK

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: September 16, 2009

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Darin Ryden, representing the applicant

Date of Decision: September 16, 2009

REASONS FOR DECISION

This matter was originally scheduled to be heard on August 26, 2009 but the hearing did not proceed because the respondent had not picked up the Notice of Attendance which was sent by registered mail. On August 26, 2009, the rental officer contacted the respondent by telephone and informed him that the matter would be scheduled for hearing on September 16, 2009 and that he would receive a notice outlining the time and place of the hearing by registered mail. The respondent indicated that he had moved and provided a new address for service. On September 15, 2009 the rental officer attempted to contact the respondent by phone because the Notice of Attendance had not been confirmed delivered. A voice mail message was left at the respondent's phone number indicating the date, place and time of the hearing. The respondent failed to appear at the hearing. In my opinion, sufficient notice was provided to the respondent to enable him to attend the hearing. The hearing was held in his absence.

The tenancy agreement between the parties was terminated on or about August 31, 2009 when the respondent vacated the premises. The applicant retained the security deposit (\$1350) and accrued interest (\$177.96) applying it to rent arrears from June and July, 2009 (\$3100) resulting in a balance owing to the applicant of \$1572.04. The applicant sought an order requiring the respondent to pay that amount. The applicant completed a statement of the security deposit and deductions in accordance with section 18 of the *Residential Tenancies Act*.

I find the statement in order and find the respondent in breach of his obligation to pay rent. I find

the rent arrears, after the application of the retained security deposit and interest, to be \$1572.04.

An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$1572.04.

Hal Logsdon
Rental Officer