

IN THE MATTER between **SAMUEL BOURGET**, Applicant, and **809656 ALBERTA LIMITED**, 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:

**SAMUEL BOURGET**

Applicant/Tenant

- and -

**809656 ALBERTA LIMITED**

Respondent/Landlord

**ORDER**

IT IS HEREBY ORDERED:

1. Pursuant to section 30(4)(a) of the *Residential Tenancies Act*, the respondent shall comply with his obligation to maintain the premises in a good state of repair by completing the following repairs to the rental premises known as Apartment 110, 42 Con Road, Yellowknife, NT on or before October 23, 2009.
  - a) The areas surrounding the toilet base and the bathtub base shall be caulked to prevent water infiltration into the floor structure.
  - b) All mould shall be removed from the bathroom wall and ceiling surfaces and the surfaces repaired and/or refinished as necessary.
  - c) Replace damaged linoleum under the bathroom sink.

- d) Remove all existing door hardware from storage room entrance.

DATED at the City of Yellowknife, in the Northwest Territories this 9th day of October,  
2009.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **SAMUEL BOURGET**, Applicant, and **809656 ALBERTA LIMITED**, Respondent.

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BETWEEN:

**SAMUEL BOURGET**

Applicant/Tenant

-and-

**809656 ALBERTA LIMITED**

Respondent/Landlord

**REASONS FOR DECISION**

**Date of the Hearing:**                      **October 7, 2009**

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

**Appearances at Hearing:**                      **Samuel Bourget, applicant**  
   **Aleem Shivji, representing the respondent**

**Date of Decision:**                              **October 7, 2009**

### **REASONS FOR DECISION**

The applicant alleged that the respondent had breached the tenancy agreement by failing to maintain the rental premises in a good state of repair. The applicant stated that he had advised the respondent of most of the necessary repairs at the commencement of the tenancy agreement in October, 2008. The applicant stated that he had put his request for repairs in writing in August, 2009 and given a copy to the respondent. A copy of that correspondence was provided in evidence. The applicant stated that a number of the repairs had been completed by the landlord but four items remained outstanding.

1. The bathtub and toilet needed to be re-caulked.
2. Black mould on the bathroom walls and ceiling needed to be removed.
3. The linoleum under the bathroom sink is peeling.
4. The storage room door is broken.

The applicant sought an order requiring the respondent to repair the items and an order requiring the rent be paid to a rental officer until the repairs were completed.

The respondent acknowledged that the repairs were the landlord's responsibility and stated that they would be completed by the end of the week. The respondent also stated that he had been unable to locate a suitable door for the storage area to replace the folding door. He suggested that the track and other hardware simply be removed and leave the storage area without a door. The applicant stated that this was acceptable to him.

I note that the majority of repairs have been completed albeit not in a particularly timely manner. The repairs that remain outstanding are minor and are not difficult to accomplish. I have every expectation that the landlord will attend to them promptly. For these reasons, I do not think it is necessary to order the rent paid to the rental officer, but an order will issue requiring the repairs to be completed by the respondent by October 23, 2009. If the repairs are not complete at that time, I will consider, on the application of the tenant, an order requiring the rent to be paid to the rental officer until the repairs are completed.

An order shall issue requiring the respondent to comply with his obligation to maintain the premises in a good state of repair by completing the following repairs on or before October 23, 2009:

- a) The areas surrounding the toilet base and the bathtub base shall be caulked to prevent water infiltration into the floor structure.
- b) All mould shall be removed from the bathroom wall and ceiling surfaces and the surfaces repaired and/or refinished as necessary.
- c) Replace damaged linoleum under the bathroom sink.
- d) Remove all existing door hardware from storage room entrance.

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Hal Logsdon  
Rental Officer