

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JOSIE RABESCA**, Respondent;

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter
R-5 (the "Act") and amendments thereto;

AND IN THE MATTER of a Hearing before, **HAL LOGSDON**, Rental Officer,
regarding the rental premises at **YELLOWKNIFE, NT.**

BETWEEN:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

- and -

JOSIE RABESCA

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 eighty five dollars and twenty seven cents (\$85.27).
2. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondent shall pay the applicant repair costs in the amount of five thousand seven hundred eighty eight dollars (\$5788.00).
3. Pursuant to section 45(4)(c) of the *Residential Tenancies Act*, the respondent shall pay the

applicant costs of electricity paid on her behalf in the amount of thirty five dollars and fourteen cents (\$35.14).

DATED at the City of Yellowknife, in the Northwest Territories this 5th day of May,
2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **YELLOWKNIFE HOUSING AUTHORITY**, Applicant,
and **JOSIE RABESCA**, 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:

YELLOWKNIFE HOUSING AUTHORITY

Applicant/Landlord

-and-

JOSIE RABESCA

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 13, 2011

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Ella Newhook, representing the applicant

Date of Decision: May 5, 2011

REASONS FOR DECISION

The respondent was served with a Notice of Attendance sent by registered mail. The item had not been delivered at the time of the hearing and was eventually returned unclaimed. A filed application was also sent by registered mail to the respondent by the applicant and was unclaimed by the respondent. Both items were sent prior to the respondent vacating the premises. The application was later personally served. The respondent's mailing address has been verified. It is likely that the respondent is avoiding service and, in my opinion, it is not unreasonable to deem the documents served in accordance with section 71(5) of the *Residential Tenancies Act*.

This tenancy agreement was terminated on April 12, 2011 when the respondent vacated the premises. The applicant retained the security deposit (\$1200) and interest (\$156.97) applying it to rent arrears (\$1442.24) and repair costs (\$5788), leaving a balance owing to the applicant of \$5873.27. The applicant sought relief for \$5873.27 plus an additional amount of \$35.14 for electricity costs paid on behalf of the respondent.

The applicant provided a rent statement, an itemized list of repair costs, invoices for electricity and a security deposit statement in evidence. The applicant noted that \$3000 of the repair costs were required due to a loss of heat in the premises caused by the disconnection of the respondent's electricity due to non-payment. Numerous other repairs, mostly patching and painting of damaged walls are also itemised and included on the check-out inspection.

I find the statements in order and find the respondent in breach of her obligation to pay rent and electricity and her obligation to repair damages to the premises. I find the repair costs to be reasonable. Applying the security deposit first to the rent, I find rent arrears of \$85.27, repair costs owing the applicant of \$5788 and electrical cost owing the applicant of \$35.14, calculated as follows:

| | |
|------------------------|------------------|
| Security deposit | \$1200.00 |
| Interest | 156.97 |
| Rent arrears | <u>(1442.24)</u> |
| Net rent arrears | \$85.27 |
| Plus repair costs | 5788.00 |
| Plus electricity costs | <u>35.14</u> |
| Total due applicant | \$5908.41 |

An order shall issue requiring the respondent to pay the applicant rent arrears of \$85.27, repair costs of \$5788 and electricity costs of \$35.14.

Hal Logsdon
Rental Officer