

IN THE MATTER between **JOY STEWART**, Applicant, and **KIRK VANDER PLOEG**, 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 **HAY RIVER, NT**.

BETWEEN:

JOY STEWART

Applicant/Landlord

- and -

KIRK VANDER PLOEG

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 four thousand two hundred dollars (\$4200.00).

DATED at the City of Yellowknife, in the Northwest Territories this 30th day of August, 2011.

Hal Logsdon
Rental Officer

IN THE MATTER between **JOY STEWART**, Applicant, and **KIRK VANDER PLOEG**, 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:

JOY STEWART

Applicant/Landlord

-and-

KIRK VANDER PLOEG

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: August 5, 2011

Place of the Hearing: Yellowknife, NT via teleconference

Appearances at Hearing: Joy Stewart, applicant
Kirk Vander Ploeg, respondent

Date of Decision: August 30, 2011

REASONS FOR DECISION

The tenancy agreement between the parties was made for a term ending on October 31, 2011.

The respondent abandoned the premises on December 28, 2010. A previous order (files 10-11962 and #10-12073, filed on May 3, 2011) required the respondent to pay compensation for lost rent for the months of January, February and March, 2011. The applicant stated that the premises were re-rented on July 1, 2011. The applicant sought an order for additional compensation for lost rent for the months April, May and June, 2011.

The monthly rent for the premises was \$2700 but the applicant has rented a suite contained in the premises for \$1300/month. The applicant sought relief of \$4200, calculated as follows:

Gross monthly rent for premises as per tenancy agreement	\$2700
Less monthly revenue from suite	<u>(1300)</u>
Net monthly loss	\$1400
Total loss for three months (\$1400 X 3)	\$4200

The applicant stated that she advertised the premises in the local newspaper for one week and had also posted a large sign on the property and made numerous attempts to solicit potential corporate clients. She stated that she had relatively few inquiries resulting from the newspaper advertisement and did not continue with it.

The respondent stated that in his opinion, the applicant did not take reasonable steps to mitigate her loss and should have continuously advertised the premises in the newspaper.

In my opinion, the applicant took reasonable steps to mitigate her loss. The applicant apparently was getting reasonable results with the sign on the property and her efforts to solicit business for a corporate tenant and limited results with the newspaper advertisement.

I find the loss of rent to be \$4200. An order shall issue requiring the respondent to pay the applicant compensation for lost rent in the amount of \$4200.

Hal Logsdon
Rental Officer