

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and
MARY BENWELL, Respondent;

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

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

BETWEEN:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

- and -

MARY BENWELL

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 ten thousand two hundred twelve dollars (\$10,212.00).
2. Pursuant to section 42(3)(a) of the *Residential Tenancies Act*, the respondent shall pay the applicant repair costs in the amount of six thousand one hundred three dollars and six cents (\$6103.06).

DATED at the City of Yellowknife, in the Northwest Territories this 1st day of May,
2012.

Hal Logsdon
Rental Officer

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and
MARY BENWELL, 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:

FORT SMITH HOUSING AUTHORITY

Applicant/Landlord

-and-

MARY BENWELL

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: April 17, 2012

Place of the Hearing: Fort Smith, NT via teleconference

Appearances at Hearing: Kevin Mageean, representing the applicant

Date of Decision: April 17, 2012

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 tenancy agreement between the parties was terminated on August 9, 2011. The respondent retained the security deposit (\$500) and interest (\$7.61) applying it to rent arrears (\$10,212) and repair costs (\$6610.67) leaving a balance owing of \$16,315.06. The applicant sought relief in that amount. The premises are subsidized public housing.

The applicant provided rent and repair statements, work orders, invoices, inspection reports and photographs of the damages in evidence. In my opinion, the repairs were made necessary due to the negligence of the respondent. I find the statements to be in order.

I find the respondent in breach of her obligation to pay rent and her obligation to repair damages. Applying the security deposit first to the repair costs, I find rent arrears of \$10,212 and repair costs of \$6,103.06. An order shall issue requiring the respondent to pay the applicant rent arrears of \$10,212 and repair costs of \$6,103.06.

Hal Logsdon
Rental Officer