

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and  
**BRIAN MACDONALD**, 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 **FORT SMITH, NT.**

BETWEEN:

**FORT SMITH HOUSING AUTHORITY**

Applicant/Landlord

- and -

**BRIAN MACDONALD**

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 ninety five dollars and twelve cents (\$1095.12).

DATED at the City of Yellowknife, in the Northwest Territories this 19th day of  
February, 2013.

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Hal Logsdon  
Rental Officer

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and  
**BRIAN MACDONALD**, 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-

**BRIAN MACDONALD**

Respondent/Tenant

**REASONS FOR DECISION**

**Date of the Hearing:** February 6, 2013

**Place of the Hearing:** Fort Smith, NT

**Appearances at Hearing:** Kevin Mageean, representing the applicant

**Date of Decision:** February 6, 2013

**REASONS FOR DECISION**

The respondent was sent a Notice of Attendance by registered mail. At the time of the hearing there was no confirmation of receipt but the respondent was provided with a notice from Canada Post on January 21, 2013 that an item was available for him to pick up at the post office. The respondent failed to appear at the hearing. In my opinion, it is not unreasonable to deem the Notice of Attendance served pursuant to section 71(5) of the *Residential Tenancies Act*. The matter was heard in the absence of the respondent.

The tenancy agreement between the parties was terminated on July 26, 2012. The applicant retained the security deposit (\$500) and accrued interest (\$19.88) applying against rent arrears (\$1575) and a call out for a lost key (\$40) resulting in a balance owing the applicant of \$1095.12. The applicant provided a statement in evidence indicating a balance of rent owing in the amount of \$1095.12. The applicant sought an order for that amount.

I find the statement in order. Applying the security deposit first to the call out I find rent arrears of \$1095.12. An order shall issue requiring the respondent to pay the applicant rent arrears in the amount of \$1095.12.

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Hal Logsdon  
Rental Officer