

IN THE MATTER between **FORT SMITH HOUSING AUTHORITY**, Applicant, and
DONALD BOURKE, 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 -

DONALD BOURKE

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 three hundred seventy nine dollars and eight cents (\$379.08).

DATED at the City of Yellowknife, in the Northwest Territories this 26th day of
February, 2013.

Hal Logsdon
Rental Officer

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DONALD BOURKE, 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-

DONALD BOURKE

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 service but the item was forwarded to a new address and the respondent was provided with a notice from Canada Post on February 1, 2013 advising him that the item was available at the post office. The respondent did not appear at the hearing or contact the rental office. 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 May 7, 2012. The respondent retained the security deposit and interest (\$920.92) applying it against rent arrears (\$1300), resulting in a balance owing to the applicant of \$379.08. The applicant sought an order requiring the respondent to pay the amount.

The applicant provided a statement showing the itemized deductions and a balance owing of \$379.08.

I find the statement in order. Applying the security deposit to the rent arrears I find a balance of rent owing to the applicant of \$379.08.

An order shall issue requiring the respondent to pay the applicant rent arrears of \$379.08.

Hal Logsdon
Rental Officer