

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and
JESSICA DAY, 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 **INUVIK, NT**.

BETWEEN:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

- and -

JESSICA DAY

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 four hundred sixty seven dollars and fifty six cents (\$1467.56).

DATED at the City of Yellowknife, in the Northwest Territories this 2nd day of April,
2013.

Hal Logsdon
Rental Officer

IN THE MATTER between **NPR LIMITED PARTNERSHIP**, Applicant, and
JESSICA DAY, 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:

NPR LIMITED PARTNERSHIP

Applicant/Landlord

-and-

JESSICA DAY

Respondent/Tenant

REASONS FOR DECISION

Date of the Hearing: March 19, 2013

Place of the Hearing: Inuvik, NT

Appearances at Hearing: Bright Lubansa, representing the applicant

Date of Decision: March 30, 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 delivery but the respondent was provided with a notice by Canada Post advising her of the item on February 28, 2013. I also attempted to contact the respondent by phone and left a message for her outlining the date, time and location of the hearing. The person who took the message informed me that the respondent had moved out of the premises and was now a tenant with the Inuvik Housing Authority. I confirmed with the Inuvik Housing Authority that the respondent had taken possession of a rental unit in their portfolio on December 17, 2012. The respondent failed to appear at the hearing and the hearing was held in her absence. In my opinion it was not unreasonable to deem the Notice of Attendance served in accordance with section 71(5) of the *Residential Tenancies Act*.

The applicant stated that the premises were discovered abandoned on February 6, 2013. The applicant retained the security deposit (\$1150) applying it against rent arrears and late payment penalties (\$2617.75) resulting in an amount owing the applicant of \$1467.75. The applicant sought an order requiring the respondent to pay this amount. The applicant provided a statement of account in evidence which indicated a balance owing of \$1467.75.

The information received from the Inuvik Housing Authority was provided to the applicant at the hearing. The applicant stated that they had seen the tenant in January, 2013 and that she had made no mention of vacating the unit. The applicant also noted that the applicant had never

returned the keys and that they had no reason to believe that the unit had been abandoned until early February. The applicant also noted that they had only charged the respondent for 6 days in February, 2013.

Although a sudden cessation of rent payments and failure to pay any rent for two months should draw the attention of a prudent landlord to suspect abandonment, a tenant who does not wish to continue to be liable for the payment of rent must also ensure that they make the landlord aware that they are giving up possession. In my opinion, the date of abandonment provided by the landlord is not unreasonable given the evidence he had before him.

The applicant has neglected to apply interest to the security deposit. I find that interest to be \$0.19. After the application of the retained security deposit and interest, I find rent arrears owing to the applicant of \$1467.56 calculated as follows:

Rent arrears	\$2617.75
Security deposit	(1150.00)
Interest	<u>(0.19)</u>
Balance owing applicant	\$1467.56

An order shall issue requiring the respondent to pay the applicant rent arrears of \$1467.56.

Hal Logsdon
Rental Officer