

IN THE MATTER between **Inuvik Housing Authority**, Applicant, and **Merlyn McLeod**, 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, **Adelle Guigon**, Deputy Rental Officer, regarding a rental premises within **the Town of Inuvik in the Northwest Territories**.

BETWEEN:

INUVIK HOUSING AUTHORITY

Applicant/Landlord

- and -

MERLYN MCLEOD

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondent must pay to the applicant compensation in the amount of \$2,022.03 (two thousand twenty-two dollars three cents) for expenses directly associated with the repair of tenant damages to the rental premises known as NV5307, 60 Bompas Street, in Inuvik, Northwest Territories.

DATED at the City of Yellowknife in the Northwest Territories this 13th day of January 2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Inuvik Housing Authority**, Applicant, and **Merlyn McLeod**, 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 **Adelle Guigon**, Deputy Rental Officer.

BETWEEN:

INUVIK HOUSING AUTHORITY

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-and-

MERLYN MCLEOD

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	December 16, 2013
<u>Place of the Hearing:</u>	Inuvik, Northwest Territories, by Teleconference
<u>Appearances at Hearing:</u>	Diana Tingmiak, representing the Applicant
<u>Date of Decision:</u>	January 12, 2014

REASONS FOR DECISION

An application to a rental officer made by Inuvik Housing Authority as the applicant/landlord against Merlyn McLeod as the respondent/tenant was filed by the Rental Office on October 3, 2013. The application was made regarding a rental premises known as NV5307, 60 Bompas Street, in Inuvik, Northwest Territories. The applicant served a copy of the filed application package on the respondent by registered mail signed for October 31, 2013.

The applicant alleged the respondent had caused damages to the rental premises for which the applicant was seeking payment of expenses associated with the repair of the damages. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for December 16, 2013. Both parties were served with notices of the hearing by registered mail sent November 25, 2013. Ms. Diana Tingmiak appeared representing the applicant. Ms. Merlyn McLeod signed for her copy of the notice December 12, 2013. She failed to appear at the hearing and no one else appeared to represent her. The hearing proceeded in her absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Tingmiak testified that Ms. McLeod had occupied the rental premises since January 14, 2011, and had moved out May 30, 2013. Ms. McLeod did not return the keys for the rental premises to the landlord. A check-out inspection report was completed on that date, from which were identified several deficiencies attributed to Ms. McLeod's negligence. The deficiencies for which the applicant is seeking compensation are:

Description	Amount Claimed
replacement of a bent bar in the refrigerator*	\$40.00
replacement of a broken receptacle cover*	\$5.00
replacement of a damaged window screen*	\$40.00
replacement of a damaged interior door (including labour)	\$189.00
replacement of a bent window screen frame*	\$40.00
replacement of a missing door stop trim*	\$25.00
replacement of the carpeting throughout the unit (prorated to 2010)	\$870.00
repainting of the entire unit (prorated to 2010)	\$915.00
cleaning of the entire unit*	\$300.00
lock change	\$80.96
removal of abandoned personal property	\$158.34
labour for work marked*	\$500.00
Sub-total	\$3,163.30
GST	\$158.17
Total Amount Claimed	\$3,321.47

Ms. Tingmiak supported her claim with requisition orders, invoices, photographs, and check-in/check-out inspection reports. She also claimed the application of the respondent's security deposit be applied against the cost of tenant damages being claimed. With reference to the damage deposit refund statement submitted into evidence, specifically to the damage deposit and interest calculations, Ms. Tingmiak identified the security deposit of \$1,298 had accumulated interest of \$1.43.

Tenancy agreement

The residential tenancy agreement submitted into evidence by the applicant is for a fixed-term lease dated January 8, 2013, for occupancy of the rental premises known as NV5307 at 60 Bompas in Inuvik, Northwest Territories. The term of the tenancy was identified in the agreement from January 1, 2013, to January 31, 2013. Rental Officer order number 20-13410 dated May 16, 2013, found the tenancy agreement had been terminated by the landlord January 31, 2013, in accordance with the Act and that the respondent had been in an overholding tenancy since that date; the Rental Officer issued an eviction order (20-13410B) evicting the respondent from the rental premises May 28, 2013. Ms. Tingmiak testified Ms. McLeod had occupied the rental premises since January 14, 2011, and vacated the rental premises May 30, 2013. The tenant check-in inspection report submitted into evidence was completed January 17, 2011; the tenant check-out inspection report submitted into evidence was completed May 30, 2013. I am satisfied Ms. McLeod had possession of the rental premises from January 14, 2011, to May 30, 2013.

Tenant damages

A disc containing 123 photographs of the rental premises – 121 created May 31, 2013, and two created September 25, 2013 – show the condition and contents of the rental premises the day after Ms. McLeod vacated it. The condition and contents of the rental premises were also documented in the check-out inspection report. The photographs corroborate the inspection report, and Ms. Tingmiak's testimony. Comparing the check-in inspection report with the check-out inspection report also corroborate the damages claimed as occurring during Ms. McLeod's occupancy. I am satisfied the damages being claimed by the applicant occurred during Ms. McLeod's occupancy of the rental premises and are reasonable on all counts.

Lock replacement

Ms. Tingmiak testified that Ms. McLeod had failed to return the keys for the rental premises, which resulted in the necessity for the unit's lock set to be replaced for security reasons. The failure to return the keys is also documented in the check-out inspection report. I am satisfied the replacement of the rental premises locks was necessary.

I find Ms. McLeod responsible for the expenses associated with the tenant damages identified above in the amount of \$3,321.47.

Security deposit

Ms. Tingmiak provided an accounting of the payment of the security deposit by the respondent and a calculation of the interest to June 24, 2013. The payments were received from the respondent in installments: \$649 paid January 14, 2011; \$250 paid June 30, 2011; \$250 paid July 4, 2011; and \$149 paid July 5, 2011 for a total security deposit of \$1,298. Although Ms. McLeod vacated the rental premises May 30, 2013, the applicant calculated the interest on the security deposit to June 24, 2013, as the rental premises could not be re-rented prior to that date and the landlord had not returned or accounted for the security deposit before that date. Ms. Tingmiak indicated the applicant was satisfied with calculating the interest to June 24, 2013. The interest calculated in accordance with the *Residential Tenancies Regulations* (the Regulations) is \$1.44. I find the total security deposit payable to the respondent is \$1,299.44.

An order will issue requiring Ms. McLeod to compensate the landlord for the expenses associated with the repair of tenant damages in the amount of \$2,022.03 (\$3,321.47 less \$1,299.44).

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Disc containing 123 photographs: 121 created May 31, 2013; 2 created September 25, 2013
- Exhibit 2: Transaction statement dated May 14, 2013, for January 1, 2013 to June 24, 2013
- Exhibit 3: Applicant's Damage Deposit Refund Statement dated June 24, 2013
- Exhibit 4: Applicant's invoice #TD000013578 dated June 24, 2013
- Exhibit 5: Applicant's Requisition Order #4071 dated June 6, 2013
- Exhibit 6: Applicant's Invoice #TD000013564 dated June 12, 2013
- Exhibit 7: Applicant's Invoice #TD000013572 dated June 12, 2013
- Exhibit 8: Applicant's Invoice #TD000013576 dated June 24, 2013
- Exhibit 9: Applicant's Receipt Confirmation #PY000021990 dated June 26, 2013
- Exhibit 10: Residential Tenancy Agreement - Fixed Term Lease dated January 8, 2013
- Exhibit 11: Tenant Out Inspection Report dated May 30, 2013
- Exhibit 12: Tenant In Inspection Report dated January 17, 2011
- Exhibit 13: Applicant's summary of application request
- Exhibit 14: Transaction statement dated December 13, 2013, for January 1 to June 24, 2013