

IN THE MATTER between **CARL MCINNES**, Applicant, and **NPR LIMITED PARTNERSHIP**, 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 **YELLOWKNIFE, NT**.

BETWEEN:

CARL MCINNES

Applicant/Tenant

- and -

NPR LIMITED PARTNERSHIP

Respondent/Landlord

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 30(4)(a) of the *Residential Tenancies Act*, the respondent shall carry out the following maintenance and repairs at 1200 Gitzel Street, Yellowknife, NT:
 - a) Ensure laundry dryers are free of excessive lint, properly vented and operating properly.
 - b) Inspect handrails on stairs. Repair or replace as required to ensure compliance with *National Building Code*, section 3.4.6.4.
 - c) Inspect heating plant and adjust as necessary to ensure adequate supply of heat to all apartments.

DATED at the City of Yellowknife, in the Northwest Territories this 11th day of March, 2014.

Hal Logsdon
Rental Officer

IN THE MATTER between **CARL MCINNES**, Applicant, and **NPR LIMITED PARTNERSHIP**, 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:

CARL MCINNES

Applicant/Tenant

-and-

NPR LIMITED PARTNERSHIP

Respondent/Landlord

REASONS FOR DECISION

Date of the Hearing: January 29, 2014

Place of the Hearing: Yellowknife, NT

Appearances at Hearing: Carl McInnes, applicant
Connie Diener, representing the respondent

Date of Decision: January 29, 2014

REASONS FOR DECISION

The style of cause of the order has been amended to reflect the legal name of the respondent.

The applicant alleged that the respondent had breached the tenancy by failing to maintain the residential complex in a good state of repair. The applicant sought an order requiring the respondent to make repairs to the residential complex.

The applicant stated that he and other tenants had repeatedly notified the landlord that the entrance door to the building was not secure, permitting anyone to enter. He stated that since he had filed the application, the door had been repaired and was now operating normally.

The applicant testified that the handrail on the back stairs between the main floor and the second floor was missing. He stated that there used to be a handrail on both sides of the stairs but one was now missing. He stated that he had notified the landlord of this problem but no action had been taken to replace the handrail.

The applicant stated that the dryer in the second floor laundry room was not producing sufficient heat. He also stated that the vent had been removed and that the dryer appeared to be clogged with lint. He stated that he had notified the landlord of this problem but no action had been taken.

The applicant also stated that he was unable to keep his apartment at a reasonable temperature

during periods of cold weather. He stated that the heating system was unable to produce sufficient heat to meet the thermostat setting on cold days.

The respondent did not dispute the allegations but noted that the laundry room appliances were maintained by another party. She also stated that they had experienced some maintenance staffing problems which had adversely affected their ability to address complaints.

I find the respondent in breach of their obligation to maintain the premises in a good state of repair. Maintenance of the dryers is the responsibility of the landlord as they are a facility which is provided to the tenants of the building. The stairwell banister may or may not be a breach of the *National Building Code* depending on the width of the stairs. The landlord should nevertheless determine if the banister is required and repair or replace as necessary.

An order shall issue requiring the respondent to carry out the following maintenance and repairs:

- Ensure laundry dryers are free of excessive lint, properly vented and operating properly.
- Inspect handrails on stairs. Repair or replace as required to ensure compliance with *National Building Code*, section 3.4.6.4.
- Inspect heating plant and adjust as necessary to ensure adequate supply of heat to all apartments.

Hal Logsdon
Rental Officer