

IN THE MATTER between **Fort Resolution Housing Authority**, Applicant, and
Leonard Beaulieu, 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 community of Fort Resolution in the Northwest
Territories.**

BETWEEN:

FORT RESOLUTION HOUSING AUTHORITY

Applicant/Landlord

- and -

LEONARD BEAULIEU

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 41(4)(a) of the *Residential Tenancies Act*, the respondent must pay to the applicant rental arrears in the amount of \$4,864.93 (four thousand eight hundred sixty-four dollars ninety-three cents).

DATED at the City of Yellowknife in the Northwest Territories this 12th day of
September 2014.

Adelle Guigon
Deputy Rental Officer

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LEONARD BEAULIEU

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REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 12, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Darrin Holmes, representing the applicant
<u>Date of Decision:</u>	September 12, 2014

REASONS FOR DECISION

An application to a rental officer made by Fort Resolution Housing Authority as the applicant/landlord against Leonard Beaulieu as the respondent/tenant was filed by the Rental Office June 9, 2014. The application was made regarding a residential tenancy agreement for the rental premises known as Unit #2206/0031, Lot 19-13, Plan 582, in Fort Resolution, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for June 30, 2014.

The applicant alleged the respondent had accumulated rental arrears and requested an order for payment of rental arrears. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 12, 2014, by teleconference. Mr. Darrin Holmes appeared representing the applicant. Mr. Leonard Beaulieu was served with a notice of attendance by registered mail signed for September 3, 2014. Mr. Beaulieu did not appear at hearing, nor did anyone appear on his behalf. The hearing proceeded in Mr. Beaulieu's absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Mr. Holmes testified that Mr. Beaulieu had been a tenant in the rental premises known as Unit #2206/0031 in Fort Resolution, Northwest Territories, since July 12, 2013. This unit was offered to Mr. Beaulieu at the market rent of \$1,430 per month as a consequence of Mr. Beaulieu losing his privately owned home to a fire. Mr. Beaulieu paid \$715 of the \$1,430 security deposit and \$1,052.51 towards rent on July 12, 2013; no further payments were received from Mr. Beaulieu.

During the third week of November 2013, the applicant's staff discovered Mr. Beaulieu was no longer resident in the rental premises. The applicant took possession of the premises at that time, deeming the rental premise abandoned. It was subsequently learned that Mr. Beaulieu had moved to Hay River.

Mr. Holmes requested an order for payment of rental arrears accumulated to November 30, 2013, in the amount of \$5,580.07 less the security deposit (including interest) of \$715.14; the total remaining rental arrears claimed is \$4,864.93.

Tenancy agreement

The residential tenancy agreement between the parties was entered into evidence by the applicant. It reflects an agreement made July 12, 2013, for a market rental premises identified as Lot 19-13, Plan 582, in Fort Resolution, Northwest Territories, for a fixed term from July 12 to October 31, 2013. I am satisfied a valid tenancy agreement was in place between the parties in accordance with the Act.

Abandonment

Section 1(3) of the Act specifies a tenant has abandoned the rental premises where the tenancy has not been terminated in accordance with this Act and (a) the landlord has reasonable grounds to believe the tenant has left the rental premises or (b) the tenant does not ordinarily live in the rental premises, has not expressed an intention to resume living in the rental premises, and the rent the tenant has paid is no longer sufficient to meet the tenant's obligation to pay rent. Mr. Bailey has testified that the rental premises was found vacated the end of November, that Mr. Beaulieu has not paid rent since taking occupancy in July, and that he received a confirmed residential address for Mr. Beaulieu in Hay River. I find the applicant has deemed the rental premises abandoned in accordance with section 1(3) of the Act.

Rental arrears

The lease balance statement entered into evidence by the applicant represents the landlord's accounting of security deposit and rent applied monthly, and payments received against Mr. Beaulieu's account. Mr. Holmes requested an amendment be applied to the lease balance statement withdrawing the May 6, 2014, entries as erroneous. Mr. Holmes confirmed Mr. Beaulieu had only paid \$715 of his security deposit on July 12, 2013. Mr. Holmes also confirmed \$1,062.51 was paid against Mr. Beaulieu's rent on July 12, 2013. No other payments have been received from Mr. Beaulieu. The calculation of rental arrears after applying the requested amendment makes sense and results in rental arrears of \$5,580.07. The security deposit of \$715 has been retained by the applicant and after calculating the interest of \$0.14 on the security deposit to November 30, 2013, reduces the rental arrears to \$4,864.93.

An order will issue requiring Mr. Leonard Beaulieu to pay rental arrears in the amount of \$4,864.93.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

Exhibit 1: Lease balance statement for July 12, 2013, to May 6, 2014

Exhibit 2: Residential lease agreement made July 12, 2013