

IN THE MATTER between **Hamlet of Fort Liard Social Housing**, Applicant, and
Jimmy Klondike, 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,
regarding a rental premises located within the **hamlet of Fort Liard in the Northwest
Territories**.

BETWEEN:

HAMLET OF FORT LIARD SOCIAL HOUSING

Applicant/Landlord

- and -

JIMMY KLONDIKE

Respondent/Tenant

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to sections 42(3)(e) and 45(4)(d) of the *Residential Tenancies Act*, the respondent must compensate the applicant for the costs of repairing and cleaning the rental premises known as #829A Barge Landing Road in Fort Liard, Northwest Territories, in the amount of \$1,177.28 (one thousand one hundred seventy-seven dollars twenty-eight cents).

DATED at the City of Yellowknife in the Northwest Territories this 6th day of October
2014.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Hamlet of Fort Liard Social Housing**, Applicant, and
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REASONS FOR DECISION

<u>Date of the Hearing:</u>	September 19, 2014
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories, by teleconference
<u>Appearances at Hearing:</u>	Betty Hardisty, representing the applicant Jimmy Klondike, respondent Molly Duntra, representing the respondent
<u>Date of Decision:</u>	September 19, 2014

REASONS FOR DECISION

An application to a rental officer made by Hamlet of Fort Liard Social Housing as the applicant/landlord against Jimmy Klondike as the respondent/tenant was filed by the Rental Office July 18, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as #829A Barge Landing Road in Fort Liard, Northwest Territories. The applicant served a copy of the filed application on the respondent by registered mail signed for August 12, 2014.

The applicant alleged in the application the respondent was responsible for damages to the rental premises and for leaving the rental premises in an unclean condition. A request was made for an order for compensation for the costs associated with effecting repairs and cleaning the rental premises. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for September 19, 2014, by teleconference. Ms. Betty Hardisty appeared representing the applicant. Mr. Jimmy Klondike appeared as respondent and Ms. Molly Duntra appeared as Mr. Klondike's representative.

Ms. Hardisty testified that Mr. Klondike's tenancy at #829A Barge Landing Road in Fort Liard ended May 30, 2014, in accordance with Rental Officer Order #10-14056. The applicant was not aware Mr. Klondike had in fact vacated the rental premises in accordance with the order until June 12, 2014, on which date an exit inspection was conducted. That inspection noted two broken windows, one hole in a wall of each of the two bedrooms, garbage left throughout the premises, and the premises left in an uncleaned condition. An entry inspection report completed February 8, 2011, was entered into evidence to support the applicant's assertion the claimed damages were not present when Mr. Klondike took possession of the rental premises. Invoices were also entered into evidence to support the applicant's monetary claim for repairs and cleaning as follows:

Replacement windows	\$373.70
Labour for installation of windows and repair of holes in walls	\$113.40
Cleaning	\$690.18
Total Costs Claimed	<u>\$1,177.28</u>

Mr. Klondike did not dispute the allegations. He explained the damages occurred by the accidental conduct of guests and by others entering the rental premises while he was away. He confirmed he left the rental premises in an unclean condition. Mr. Klondike accepted full responsibility as tenant for the damages and uncleanliness as claimed.

The evidence submitted supports Ms. Hardisty's claim of damages as described and the necessity for cleaning required at the rental premises. I find Mr. Klondike has breached sections 42(1) and 45(2) of the *Residential Tenancies Act* (the Act) by failing to repair damages to the rental premises caused by the wilful or negligent conduct of the tenant or persons who are permitted on the premises by the tenant and by failing to maintain the rental premises in a state of ordinary cleanliness. I am satisfied the claimed costs associated with the required repairs and cleaning of the rental premises are reasonable.

An order will issue requiring Mr. Jimmy Klondike to compensate the applicant for repairs and cleaning costs in the amount of \$1,177.28.

Adelle Guigon
Deputy Rental Officer

APPENDIX A

Exhibits

- Exhibit 1: Applicant's written submissions
- Exhibit 2: Applicant's rent payment and arrears payment correspondence to respondent dated May 23, 2014
- Exhibit 3: Applicant's belongings left in unit #829A correspondence to respondent dated June 12, 2014
- Exhibit 4: Applicant's cleaning unit and damage deposit correspondence to respondent dated June 30, 2014
- Exhibit 5: Hamlet of Fort Liard invoice number 1058 dated June 27, 2014
- Exhibit 6: Hamlet of Fort Liard invoice number IN14-00002535 dated June 30, 2014
- Exhibit 7: Hamlet of Fort Liard credit note number CN14-00002042 dated June 30, 2014
- Exhibit 8: Hamlet of Fort Liard estimate of cost to repair walls dated July 3, 2014
- Exhibit 9: Lease balance statement for rent from April 1, 2012, to May 31, 2014
- Exhibit 10: Rental unit condition report - check in February 8, 2011, check out June 12, 2014
- Exhibit 11: Applicant's invoice number IN14-00002662 dated September 1, 2014
- Exhibit 12: Applicant's invoice number 1058 dated June 27, 2014
- Exhibit 13: Service Glass invoice number 25862 dated August 7, 2014