

IN THE MATTER between **Fort Providence Housing Association**, Applicant, and **Mardie Elleze and Philip Gargan**, Respondents;

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 hamlet of Fort Providence in the Northwest Territories**.

BETWEEN:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

- and -

MARDIE ELLEZE and PHILIP GARGAN

Respondents/Tenants

ORDER

IT IS HEREBY ORDERED:

1. Pursuant to section 42(3)(e) of the *Residential Tenancies Act*, the respondents must compensate the applicant for the cost of repairs to the rental premises known as Unit 74D, Lot 243, in Fort Providence, Northwest Territories, in the amount of \$2,367.50 (two thousand three hundred sixty-seven dollars fifty cents).

DATED at the City of Yellowknife in the Northwest Territories this 9th day of January 2015.

Adelle Guigon
Deputy Rental Officer

IN THE MATTER between **Fort Providence Housing Association**, Applicant, and **Mardie Elleze and Philip Gargan**, Respondents.

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:

FORT PROVIDENCE HOUSING ASSOCIATION

Applicant/Landlord

-and-

MARDIE ELLEZE and PHILIP GARGAN

Respondents/Tenants

REASONS FOR DECISION

Date of the Hearing: **January 7, 2015**

Place of the Hearing: **Yellowknife, Northwest Territories, by teleconference**

Appearances at Hearing: **Alphonsine Gargan, representing the applicant**

Date of Decision: **January 7, 2015**

REASONS FOR DECISION

An application to a rental officer made by Fort Providence Housing Association as the applicant/landlord against Mardie Elleze and Philip Gargan as the respondents/tenants was filed by the Rental Office November 10, 2014. The application was made regarding a subsidized public housing residential tenancy agreement for the rental premises known as Unit 74D, Lot 243, in Fort Providence, Northwest Territories. The applicant personally served a copy of the filed application on the respondents November 20, 2014.

The applicant alleged the respondents had accumulated rental arrears and caused damages to the rental premises. They sought an order for payment of rental arrears and compensation for the cost of repairs. Evidence submitted is listed in Appendix A attached to this order.

A hearing was scheduled for January 7, 2015, by teleconference. Ms. Alphonsine Gargan appeared representing the applicant. Ms. Mardie Elleze and Mr. Philip Gargan were served notice of attendance by registered mail signed for December 15, 2014. Neither Ms. Elleze nor Mr. Gargan appeared at hearing, nor did anyone appear on their behalf. The hearing proceeded in their absence pursuant to section 80(2) of the *Residential Tenancies Act* (the Act).

Ms. Gargan testified the respondents had been tenants in subsidized public housing at the rental premises since January 24, 2014. Their tenancy agreement was for a fixed-term to September 30, 2014. The landlord opted to terminate the tenancy agreement pursuant to section 54(1)(a) of the Act by giving the respondents a notice of non-renewal of the tenancy agreement on September 4, 2014; they cited the reasons for ending the tenancy as including having received continuous complaints of disturbances caused by the respondents and failing to repair or compensate the landlord for repairs to the rental premises required due to damages caused by the respondents. The respondents were asked to vacate the rental premises by October 3, 2014; the respondents complied. The rental premises were secured and an exit inspection was conducted on October 22, 2014.

As of October 3, 2014, the respondents had failed to pay their rent for the month of September. The last payment received against the respondent's rent account was made in August 2014 and resulted in a credit of \$6.81. Their current rental arrears are \$68.19. The landlord applied the security deposit of \$350.11 against the rental arrears, leaving a credit balance of \$281.92. The applicant provided a lease balance statement in support of their claim for rental arrears.

In August 2014 the respondents kicked in the front exterior door. The resulting damage required replacement of the door and jamb. The respondents were invoiced for the repair on August 12, 2014, in the amount of \$829.51. They have not to date paid the invoice. The exit inspection identified damages to the rental premises for which the applicant is making a claim for the replacement of two interior doors due to holes and the replacement of the broken glass in two windows, including the living room picture window. The total costs claimed for this work is \$1,819.97. The applicant provided invoices and work orders in support of the above identified claims, as well as the check-in/out inspection report. I find the respondents responsible for the cost of repairs to the rental premises in the amount of \$2,649.48. After applying the remaining security deposit credit of \$281.92, the remaining amount owed by the respondents for the cost of repairs is \$2,367.56.

An order will issue requiring the respondents to compensate the applicant for the costs of repairs to the rental premises in the amount of \$2,367.56.

Adelle Guigon
Deputy Rental Officer

APPENDIX

Exhibits

- Exhibit 1: Residential tenancy agreement fixed term lease dated January 24, 2014
- Exhibit 2: Tenant check-in/out unit condition report
- Exhibit 3: Lease balance statement dated October 29, 2014
- Exhibit 4: Applicant's receipt number 89935 dated October 29, 2014
- Exhibit 5: Rent calculation form for September 2014
- Exhibit 6: Applicant's invoice number 85302 dated August 12, 2014
- Exhibit 7: Applicant's work order number TD015747 dated August 11, 2014
- Exhibit 8: Applicant's work order number TD023896 dated October 29, 2014
- Exhibit 9: Applicant's invoice number 89933 dated October 29, 2014
- Exhibit 10: Lease balance statement dated October 29, 2014
- Exhibit 11: Applicant's non-renewal of tenancy agreement correspondence to respondents dated September 4, 2014
- Exhibit 12: Applicant's complaints correspondence to respondent Philip Gargan dated July 18, 2014
- Exhibit 13: Applicant's receipt entered December 1, 2014
- Exhibit 14: Applicant's work order number TD026093 dated December 1, 2014
- Exhibit 15: Applicant's receipt entered December 2, 2014
- Exhibit 16: Applicant's work order number TD026218 dated December 1, 2014